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OTHER ISSUES

Smuggling and trafficking in persons and the protection of their human rights

Note by the Secretary-General

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I. INTRODUCTION

1. In its decision 2000/110 of 18 August 2000, the Sub-Commission on the Promotion and Protection of Human Rights decided to include in the provisional agenda for its fifty-third session, under the agenda sub-item entitled "Freedom of movement: the right to leave any country, including one's own, and to return to one's own country, and the right to seek asylum from prosecution", a sub-item entitled "Smuggling and trafficking in persons and the protection of their human rights". The Sub-Commission also decided to request the Secretary-General to submit a relevant note on this subject to it at its fifty-third session. The present note is submitted in accordance with that resolution.

2. The Secretary-General welcomes the decision of the Sub-Commission to give attention to the human rights situation of smuggled migrants and trafficked persons. The present note seeks to define these two concepts, provide an overview of the human rights dimensions of trafficking and smuggling, summarize recent international and regional action on these issues, and identify areas in which further efforts are needed.

II. DEFINING TRAFFICKING AND MIGRANT SMUGGLING

3. Until recently, neither trafficking nor migrant smuggling were precisely defined in international law. In November, 2000, the General Assembly adopted the Convention against Transnational Organized Crime,[1] an international instrument aimed at promoting inter-State cooperation in order to combat transnational organized crime more effectively. The Convention is supplemented by three additional protocols, two of which were adopted at the same time as their parent instrument: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children[2] (hereafter referred to as the Trafficking Protocol), and the Protocol against the Smuggling of Migrants by Land, Sea and Air[3] (hereafter referred to as the Migrant Smuggling Protocol). The Convention and two protocols were opened for signature in December 2000 at a high-level conference in Palermo, Italy.

4. The Trafficking Protocol is intended to "prevent and combat" trafficking in persons and to facilitate international cooperation against such trafficking. It provides for control and cooperation measures against traffickers. It also provides some measures to protect and assist victims. States parties to the Protocol are obliged to criminalize a range of trafficking-related offences. The Protocol is intended to cover cases of human beings being exploited by organized criminal groups where there is an element of duress and which have a transnational aspect, such as the movement of persons across a border or their exploitation within a country by a transnational organized criminal group.

5. The Protocol adopts a broad definition of trafficking, reflecting the wide range of means and end-purposes which characterize this type of activity. For the purposes of the Protocol, trafficking in persons is defined as:

> "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of

payments or benefits to achieve the consent of a person having control over another person for the purposes of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."

The Protocol further states that the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth above.

6. The principle purpose of the Migrant Smuggling Protocol is to promote international cooperation to enhance the effective prevention, investigation and prosecution of migrant smuggling involving organized criminal groups. The Protocol defines migrant smuggling as "the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State party of which the person is not a national or a permanent resident".

7. The distinction that has been made between trafficked persons and smuggled migrants is a useful one. However, it is important to note that such a distinction is less clear on the ground, where there is considerable movement and overlapping between the two categories. The protocols determine that trafficked persons are to be granted protections additional to those accorded to smuggled migrants. Unfortunately, there is little guidance in either instrument regarding how the identification process is to be undertaken and by whom. This is especially important because identifying an individual as a trafficked person carries different responsibilities for a State party than is the case if that person is identified as a smuggled migrant. It is hoped that States parties will address such issues in the near future.

III. THE HUMAN RIGHTS DIMENSIONS OF HUMAN TRAFFICKING AND MIGRANT SMUGGLING

8. The human rights dimensions of trafficking are well recognized. However, the issue of migrant smuggling is usually addressed within the framework of migration control or transnational organized crime. The following paragraphs provide a brief overview of some of the key rights issues associated with both phenomena.

9. Trafficking and related practices such as debt bondage, forced prostitution and forced labour are violations of the most basic human rights, including the right to life, the right to dignity and security, the right to just and favourable conditions of work, the right to health and the right to equality. These are rights, which are recognized as belonging to all persons, irrespective of their sex, nationality, social status, occupation or other difference.

10. Trafficking is inherently discriminatory and provides an example of the way in which multiple discrimination operates. Each year, millions of women and children are tricked, sold, coerced or otherwise forced into situations of exploitation from which they cannot escape. Racial, ethnic and gender discrimination deny basic life choices to many of the world's women and girls. It is because of their precarious legal, social and economic situation, that women are so vulnerable to trafficking and other forms of exploitation. Because the overwhelming majority

of trafficked persons are female, trafficking is usually considered to be the result of discrimination on the basis of sex. However, there is increasing evidence that racial and social marginalization constitute significant risk factors for trafficking and also determine the treatment that trafficked women experience in countries of destination. In addition, racist ideology and racial, ethnic and gender discrimination underlie the demand for the products of trafficking.

11. While the precise obligations of States towards victims of trafficking is yet to be determined, the existence of such obligations has been widely acknowledged. It is clear, for example, that victims of human rights violations such as trafficking should be provided with access to adequate and appropriate remedies.[4] At a minimum, States should be obliged to provide information to trafficking victims on the possibility of obtaining remedies, including compensation for trafficking and other criminal acts to which they have been subjected, and to render assistance to such victims, giving particular attention to the special needs of children to enable them to obtain the remedies to which they are entitled.

12. The issue of repatriation of victims of trafficking is a sensitive and controversial one. The High Commissioner for Human Rights has expressed the view that "safe and, as far as possible, voluntary return must be at the core of any credible protection strategy for trafficked persons. A failure to [provide] for safe (and to the extent possible) voluntary return would amount to little more than an endorsement of the forced deportation and repatriation of trafficked persons. When trafficking occurs in the context of organized crime, such an endorsement presents an unacceptable safety risk to victims".[5] At a minimum, it would appear that the identification of an individual as a trafficked person should be sufficient to ensure that immediate expulsion which goes against the will of the victim does not occur and that necessary protection and assistance is provided. Special attention must be given to the situation of trafficked children - from protecting and ensuring all their rights such as education and health care, to location of their families, as well as ensuring sensitive and appropriate measures are taken to reconcile the child with their family.

13. The vulnerability of migrants, in particular irregular migrants, as a result of their precarious situation in society often leads to violations of their most basic human rights. Almost invariably, smuggled migrants are also victims of criminal exploitation in their countries of origin and/or transit countries and/or countries of reception. That status renders such persons even more susceptible to further exploitation. There is a clear need to ensure that the individuals falling victim to these practices are protected and that measures taken to prevent migrant smuggling also seek to uphold the fundamental human rights to which all persons, including smuggled migrants, are entitled.

14. In this context, it is essential to acknowledge that increasing numbers of asylum-seekers and refugees are being transported by means which fall within the definition of migrant smuggling quoted in paragraph 6 above. The principle of non-refoulement, which is the core of international refugee protection, as well as other international protection responsibilities, must be explicitly upheld in such situations. It is encouraging to note that the Migrant Smuggling Protocol goes some way towards protecting the rights of persons in need of international protection, through the inclusion of a reference to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto, including the principle of non-refoulement. These

instruments also offer a useful legal framework for the adoption of additional safeguards for the protection of smuggled asylum-seekers and refugees. Finally, the illegality of entrance into, or presence on, the territory of a State should not adversely affect a person's claim for asylum. Smuggled migrants should be given full opportunity (including through the provision of adequate information) to make a claim for asylum or to present any other justification for remaining in the country.

15. Human rights violations - including violations of economic and social rights - are also important root causes of both trafficking and migrant smuggling. Studies which have examined the causes of migration reveal that discriminatory treatment and violations of basic economic and social rights are important (and often overriding) motivations - particularly for irregular migrants. Increasingly restrictive immigration policies on the part of the major destination countries also contribute to forcing potential migrants into accepting illegal and dangerous immigration arrangements.

IV. INTERNATIONAL AND REGIONAL INITIATIVES ON TRAFFICKING AND MIGRANT SMUGGLING

16. In his most recent reports to the General Assembly (A/55/322) and the Commission on Human Rights (E/CN.4/2001/72) on this subject, the Secretary-General outlined the ways in which the various components of the United Nations human rights system are addressing the trafficking phenomenon. This issue is now being taken up regularly by the General Assembly, the Commission on Human Rights, the Commission on the Status of Women, the human rights treaty bodies (particularly the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women) and other human rights mechanisms, such as the Special Rapporteur on violence against women, the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on the human rights of migrants. The High Commissioner for Human Rights has identified trafficking as a priority issue and her Office has developed a comprehensive programme which seeks to ensure the integration of a human rights perspective into national, regional and international anti-trafficking initiatives. The High Commissioner has recognized the close connection between trafficking and other abusive migration practices such as smuggling.

17. The Sub-Commission on the Promotion and Protection of Human Rights addresses the issue of trafficking in persons through the activities of the Working Group on Contemporary Forms of Slavery. The Working Group gave priority consideration to the issue of trafficking in persons at its twenty-fourth session (1999) and subsequently decided to devote its twenty-sixth session (June 2001) to the follow-up of progress made to combat trafficking in persons, with an emphasis on women and children. At each of its sessions, the Working Group adopts specific recommendations on trafficking in persons and receives regular information from participants, in particular non-governmental organizations. The Working Group collaborates closely with the Voluntary Trust Fund on Contemporary Forms of Slavery, which provides travel and project grants to NGOs working on the trafficking issue.

18. Information on how other parts of the United Nations system, other international organizations, regional organizations, non-governmental organizations and individual Governments are dealing with the trafficking issue can be found in the two reports of the

Secretary-General referred to above. These reports also contain information on anti-trafficking activities and programmes of the regional organizations, the International Organization for Migration, the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Labour Organization (ILO), the United Nations Development Programme, the United Nations Children's Fund and the Centre for International Crime Prevention.

19. The question of migrants and the specific issue of the rights of migrants are on the agenda of a number of United Nations bodies (including the General Assembly and the Commission on Human Rights). Of particular note is the 1999 decision of the Commission on Human Rights to establish a special rapporteur on the human rights of migrants. The Special Rapporteur reported to the Commission in 2000 and 2001 and has indicated that the issue of smuggled migrants is a priority area of concern. Overall, however, and in terms of the international human rights system as a whole, very little attention has been paid thus far to the problem of smuggled migrants and protection of their rights.

VI. PRIORITY AREAS FOR ACTION

20. Today, one in every 50 human beings is a migrant worker, a refugee or asylum seeker, or an immigrant living in a "foreign" country. Current estimates by the United Nations and the International Organization for Migration indicate that some 150 million people live temporarily or permanently outside their countries of origin. According to figures released by ILO, more than half of this number are migrant workers and members of their families. Another 13 million are recognized as refugees by UNHCR.

21. Migration and the "multiculturalization" of societies around the world are facts of history and increasingly predominant features of this contemporary age of globalization. Increasing migration, for positive and negative reasons, means that nearly all States have become or are becoming more multi-ethnic, multi-cultural, multi-racial, multi-religious and multi-lingual. Addressing this reality of increasing diversity means finding political, legal, social and economic mechanisms to ensure mutual respect and to mediate relations across differences.

22. As overall migration increases, the incidence and severity of abusive forms of migration such as trafficking and migrant smuggling have escalated. A growing number of migrants, of all categories, are being trafficked or smuggled across national borders. By definition, trafficked persons are victims of serious and systemic human rights violations. Smuggled migrants are often fleeing human rights violations and their precarious situation makes them particularly vulnerable to further abuse. International action to protect the rights of individuals caught up in abusive migration practices is therefore a priority.

23. It is a fact that trafficking and migrant smuggling are being increasingly dealt with in the context of transnational organized crime, law enforcement and border control. Efforts to apprehend and punish traffickers and smugglers should of course be encouraged and supported. However, it is essential to acknowledge that the growth in trafficking and smuggling networks is a direct consequence of the discordance between the number of persons who wish (or are forced)

to migrate and the legal opportunities for them to do so. While such discordances remain, it will be difficult to address trafficking and migrant smuggling in any meaningful way. States of destination should therefore be encouraged to review their immigration policies and to develop greater opportunities for lawful and mutually beneficial migration.

24. Good laws, strong law enforcement and improved cooperation between States will, individually and collectively, help to prevent trafficking and migrant smuggling. However, additional prevention strategies, developed on the basis of an understanding of the motivations behind trafficking and smuggling are also necessary. The underlying factors which force individuals to seek and accept dangerous and illegal migration arrangements, including poverty, discrimination, corruption and inequality between countries, should also be openly and honestly addressed. Failure to come to terms with these (admittedly more difficult) issues will prevent other anti-trafficking and anti-smuggling efforts from achieving any significant success.

25. The connection between human rights and abusive forms of migration such as trafficking and migrant smuggling makes it especially important that the international human rights community, including the Sub-Commission on the Protection and Promotion of Human Rights, take up this issue with full force and vigour. The human rights community has a special responsibility to ensure that the trafficking and migrant smuggling issues are not simply reduced to problems of migration, problems of public order or problems of organized crime. These perspectives, are of course, valid and important. However in developing realistic and durable solutions we must be prepared to look further - to the rights and the needs of the individuals involved.

Notes

[1] General Assembly resolution 55/25, of 15 November 2000, annex I.

[2] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, General Assembly resolution 55/25, annex II.

[3] Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, General Assembly resolution 55/25, annex III.

[4] A/AC.254/27, para. 7.

[5] A/AC.254/16, para. 7

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OTHER ISSUES

TRADITIONAL PRACTICES AFFECTING THE HEALTH OF WOMEN AND THE GIRL CHILD

Fifth report on the situation regarding the elimination of traditional practices affecting the health of women and the girl child, produced by Mrs. Halima Embarek Warzazi pursuant to Sub-Commission resolution 2000/10

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Introduction

1. In its resolution 1998/16, the Sub-Commission on Prevention of Discrimination and Protection of Minorities recommended that the mandate of the Special Rapporteur on traditional practices affecting the health of women and the girl child should be extended to ensure the completion of her task, as called for in resolution 1996/19, and at the same time to enable her to follow up recent developments at all levels, including the General Assembly. In its resolution 2000/10, the Sub-Commission decided to continue consideration of the question and to extend the mandate of the Special Rapporteur. This extension was confirmed by the Commission on Human Rights in its decision 2001/107, by which it requested the Special Rapporteur to submit an updated report to the Sub-Commission at its fifty-third session. This fifth report is thus submitted pursuant to the resolutions referred to above.

2. It may be recalled that in each of her previous reports (1996-1999), the Special Rapporteur deplored the small number of replies received from Governments, particularly those concerned by traditional practices affecting the health of women and the girl child, to the Secretary-General's note concerning the Plan of Action for the elimination of such practices.

3. The Special Rapporteur noted that whereas 25 countries replied in 1996, only 7 sent replies in 1997 and 4 in 1998. In 1999 she received no replies at all.

4. Eight countries replied to the Secretary-General's note in 2000, and while the Special Rapporteur continued to regret the scarcity of information, she was pleased to report that Member States appeared to be contributing more regularly and more systematically to the Secretary-General's reports to the General Assembly. Notwithstanding the Special Rapporteur's original desire to devote the greater part of her fourth report on the situation regarding the elimination of traditional practices affecting the health of women and the girl child (E/CN.4/Sub.2/2000/17) to practices other than female genital mutilation, for example crimes of honour, which she felt required urgent, concerted action by the international community, she had been forced to modify her plans in view of the very limited amount of information submitted directly on this question.

5. Despite the disappointment voiced in previous reports, the Special Rapporteur noted that mobilization within the societies affected by the phenomenon of harmful traditional practices was a force for positive, albeit slow and uneven, change.

6. This year, the Special Rapporteur has received information from the following countries: Azerbaijan, Guatemala, Lebanon, Mauritania, Mexico, New Zealand, Qatar and Sweden. She has also received submissions from the International Monetary Fund (IMF), the United Nations Food and Agriculture Organization (FAO), and the Organization of African Unity (OAU). The Special Rapporteur would like to thank those countries and organizations for the interest they have shown in the matter. Nevertheless, she continues to deplore the scarcity of respondents and the lack of information, which, she hopes, should not be interpreted as a lack of commitment to the elimination of harmful traditional practices.

7. As in the previous year, the Special Rapporteur had intended to focus on the issue of crimes of honour, which required the international community to combine urgent and concerted

action with an approach that respected the culture of the most affected regions and countries. In view of the limited amount of information submitted directly on this question, the Special Rapporteur has decided to devote this report to a review of the latest information on national and international measures taken against female genital mutilation and to consider some of the information available concerning other traditional practices.

I. FEMALE GENITAL MUTILATION: NATIONAL, REGIONAL AND INTERNATIONAL INITIATIVES

A. National initiatives

1. Information supplied by Governments

8. Contrary to the trend noted in the previous report, this year the replies do not focus exclusively on female genital mutilation. Nevertheless, it is increasingly obvious that countries where female genital mutilation has until now not been a serious problem are having to adopt laws and preventive measures to combat the practice. Further to the information supplied by France and Germany last year, New Zealand and Sweden have this year reported on national measures to address this issue.

9. Sweden notes that, although it is difficult to cite precise statistics, a number of children domiciled in the country are affected by female genital mutilation. Statistics indicate that there are approximately 5,000 girls in Sweden originating from countries where genital mutilation is practised, of whom 2,000 are under the age of seven. Many of them come from countries where over 80 per cent of the women have undergone genital mutilation. Consequently, the Swedish authorities regard these girls as children at risk.

10. In New Zealand as in Sweden, female genital mutilation is considered a criminal offence punishable by law. Under Swedish law, the consent of the person concerned or the guardian in the case of a child is irrelevant. Both countries apply the rule of extraterritoriality, meaning that proceedings may be taken against the person who performs the mutilation and also against instigators and accomplices. Neglecting to report impending genital mutilation is also a criminal offence in Sweden.

11. Insofar as criminal laws are plentiful yet far from adequate or wholly effective, Sweden and New Zealand have both put in place preventive measures aimed at changing people's attitudes.

12. The Swedish National Board of Health and Welfare aims to develop and initiate preventive projects in areas with high concentrations of immigrant families from countries where genital mutilation is widely practised. The measures are directed at the relevant population groups themselves and at professionals who regularly come into contact with them. Special funds have been allocated for this project over a three-year period.

13. New Zealand has implemented a national education programme to prevent the occurrence of female genital mutilation through education, medical assistance, and other help for women and girls who are at risk or have been subjected to this practice. The programme focuses on

improving health-care services for genitally mutilated women through appropriate training of doctors and medical personnel. The largest women's hospital in Auckland has established a clinic to provide specialized care to genitally mutilated women and girls. A child protection network has also been established by social workers, education professionals and the police. Internationally, as part of New Zealand's official development assistance programme, the Government has provided funding for two non-governmental organizations (NGOs), namely World Vision International (for a project in Tanzania) and International Save the Children Alliance (for a project in Kenya).

14. Mexico referred to its contribution to the Secretary-General's report to the fifty-fourth session of the General Assembly and stated that the practice of female genital mutilation did not exist in its territory. Qatar indicated that female genital mutilation was no longer practised in the country in view of the health-care services provided by the State and the development of health education in society, particularly among mothers. Lebanon said that the lack of data on harmful traditional practices could be explained by the fact that such practices did not exist in its territory.

2. Other sources of information

15. The Inter-African Committee on Traditional Practices Affecting the Health of Women and Children has reported developments in more than 22 African countries where it operates, and initiatives have been undertaken in so-called host countries such as Austria, Belgium, France, Japan, the Netherlands and the United Kingdom of Great Britain and Northern Ireland.

16. Following the adoption of legislative measures in Burkina Faso, Djibouti, Egypt, Ghana, Nigeria and Guinea, the Special Rapporteur was keen to assess the impact of these enactments on policies and measures at grass-roots level and on the practice of female genital mutilation. The Inter-African Committee has used seven criteria to measure the progress that has been made in countries with national committees. The criteria are the existence or establishment of:

- Training for field workers;
- Training, information and education campaigns;
- Retraining programmes for former practitioners;
- Research and surveys on various harmful traditional practices;
- Lobbying;
- Intra-community networks;
- Information and training documentation.

17. It should be noted that in Benin the practice of female genital mutilation is no longer a taboo. The political, religious and community authorities are increasingly involved in efforts to combat the practice, and practitioners themselves are gradually curtailing their activities. The

combination of these factors has led to a marked decline in the number of mutilations in Benin. The population in Burkina Faso is increasingly favourable to the eradication of female genital mutilation. In the Gambia, by contrast, where 80 per cent of the rural population still resorts to this practice, the situation remains worrying, although public information campaigns appear to have had some impact in the towns. The Gambia should therefore continue its efforts. The same is true of Ethiopia, where public information campaigns seem to have run out of steam. In contrast, the Inter-African Committee welcomes the recognition of its national committee in Nigeria.

18. In October 2000 the African Women's Organization in Vienna carried out a survey of the practice of female genital mutilation in Austria among at-risk immigrant populations. The results of this survey, combined with other national public information campaigns, have promoted the Austrian Government to admit for the first time that the practice of female genital mutilation exists in its territory, and accordingly the Austrian Parliament passed a law criminalizing such practices on 5 December 2000.

19. In France and Belgium, the Women's Group for the Abolition of Sexual Mutilation and Other Practices Affecting the Health of Women and Children is conducting awareness-raising campaigns on female genital mutilation among immigrant communities. These public information campaigns and training programmes, which involve parents and practitioners alike, have brought about a reduction in the number of mutilations. Nevertheless, the French section of the association, which tries to offer asylum to refugees who have undergone such practices, reports that it is becoming increasingly difficult to achieve its objectives in this field.

20. The recently established Women's Action Against Female Genital Mutilations (Japan) aims to support campaigns to eradicate mutilation in African countries where this practice is widespread. Although mutilations do not occur in Japan, the members of the organization believe that female genital mutilation is a recognized form of violence against women; as such it has a universal dimension and is not confined to a single geographical region.

21. The Federation of Somali Associations in the Netherlands aims, inter alia, to provide legal assistance and support to women originating mainly from Somalia and to raise their awareness of the problem of mutilations. This association, like the London Black Women's Health Action Project in the United Kingdom, offers a wide range of services such as health education, discussion groups, seminars, translations of public information documents and social and medical assistance to African women, particularly Somalis.

3. Activities of the Special Rapporteur

22. The Special Rapporteur hereby transmits to the Sub-Commission the information she has gathered in the course of her visit to Mauritania pursuant to her mandate and at the invitation of the Directorate for the Advancement of Women.

23. The Directorate for the Advancement of Women, which operates as part of the Office of the Secretary of State for Women's Affairs, submitted a report to the Special Rapporteur on the Mauritanian Government's efforts to eradicate traditional practices harmful to women.

24. These efforts also form part of a national strategy for the advancement of women which has been a priority of the Office of the Secretary of State since its establishment.

25. One very successful initiative, not just among women themselves but also among officials tasked with helping to improve the status of women in Mauritania, has been the holding of numerous seminars designed to raise public and official awareness of the damaging effects of discrimination against women and the harm caused by certain traditional practices, to highlight the choices which Islam permits women to make, and to demonstrate the necessity of implementing the Convention on the Elimination of All Forms of Discrimination against Women, which Mauritania endorses and has ratified.

26. Likewise, special emphasis has been placed on seminars designed to make various NGOs working in Mauritania aware of their responsibility and role in promoting women's social and legal status and to strengthen their capacity to act.

27. For example, the Office of the Secretary of State for Women's Affairs organized a seminar from 9 to 11 April 2001 for representatives of 45 NGOs on the theme of laws and the status of women in Islam. The event was opened in the presence of the Secretaries of State of the Ministry of Justice and the Ministry of Culture and Islamic Guidance. The participants examined harmful practices that are allegedly prescribed by Islam but which in fact violate its teachings. Examples include:

- Early marriage;
- Excision;
- Divorce on demand for husbands, which, although permissible, is strongly discouraged by Islamic moral teaching;
- All forms of violence;
- Forced feeding.

28. The principal objectives of this strategy are to assess the status of Mauritanian women, define priorities for the authorities with regard to the advancement of women, devise a coherent programme for the new century and involve donors by raising their awareness of the Mauritanian Government's priorities.

29. The National Strategy for the Advancement of Women is contained in six documents focusing on the following areas:

- Women, health and population;
- Women, education and training;
- Women and voluntary activities;

- Women and self-employment;

- Women, families and the law;

- Women and the environment.

30. These different issues and priorities take account of the realities facing Mauritanian women and their status. To this end, special emphasis has been laid on preventive care, mother and child health, schooling for women, voluntary activities (status of cooperatives and women's groups, etc.), female employment, women and the law, the advancement of women, and the environment.

31. The Office of the Secretary of State for Women's Affairs is working to implement the National Strategy with a view to initiating equitable participatory development by mainstreaming the gender perspective in all current and future activities. Special attention is therefore being devoted to women's access to all resources and the establishment of accessible databases.

(a) NGO activities in Mauritania

32. The National Forum for the Promotion of Women's Rights (FNPDF) has sponsored a study which basically advocates a law against female genital mutilation in Mauritania. The United Nations Development Fund for Women (UNIFEM) contributed to this survey.

33. Pursuant to this survey, Mauritania participated in the UNIFEM regional campaign to combat violence against women, in which excision figures as a major theme.

34. The study notes that "since the establishment in 1993 of the Office of the Secretary of State for Women's Affairs, a frank and open debate has been initiated with Government officials, voluntary organizations and religious leaders regarding the issue of genital mutilation".

35. Now that these actors and associations have been made aware of the problem, NGOs are currently relying on religious leaders, and especially members of the High Islamic Council, to lobby openly for the abandonment of the practice of female genital mutilation in Mauritania.

36. The Special Rapporteur welcomes this commitment as confirming her belief that religious leaders have a crucial role to play in eliminating practices for which religion is often cited as a justification when in fact no religious justification exists.

37. This study focuses on the situation in certain regions of Mauritania where these practices occur.

38. The decision to have excision performed on a girl child is taken by her family. The operation itself is performed by a traditional practitioner or occasionally by someone with formal medical training.

39. Religion and tradition are invoked to justify this operation.

(b) Social and cultural perceptions of female genital mutilation

40. Most ethnic groups are aware of the need to abandon this practice owing to the intervention of their religious leaders, who preach rejection of the custom.

41. However, FNPDF's the awareness-raising campaign in Guidimakha region, conducted between December 2000 and March 2001, revealed some reluctance to discontinue the practice of mutilation.

42. The tenacity of this custom among the Pulaars and Soninkés is attributable to the low social and cultural status of women among these groups, which demand total and blind obedience of the female sex.

(c) View of medical personnel regarding the adoption of a law against female genital mutilation

43. At the congress of West African surgeons held in Nouakchott in March 2001, FNPDF argued for an end to female genital mutilation and the adoption of a law to criminalize this practice. This standpoint was immediately endorsed by the participants.

44. Accordingly, a recommendation adopted at the closure of the congress enabled all the participants to formulate a clear position on the issue. The main points are as follows:

- Female genital mutilation is a real public-health problem considering its extent and its harmful consequences on the health of women and girls;

- The adoption of a law to criminalize female genital mutilation is necessary in Mauritania to safeguard the fundamental rights of women as enshrined in various conventions, for example the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child;

- Genital mutilation is not a practice prescribed by Islam.

45. In addition, the Ministry of Health and Social Affairs, in cooperation with the Office of the Secretary of State for Women's Affairs, the Office of the Commissioner for Human Rights, Poverty Reduction and Integration, and a number of other associations active in this field, have established a national commission to combat practices harmful to the health of women and girl children, including female genital mutilation.

46. A number of awareness-raising measures and a national campaign have been launched to this end.

47. During these campaigns, all regional medical personnel have been pressed into service to raise awareness among the general public and decision-makers alike. In this task they cooperate closely with women's groups, religious leaders and traditional communicators.

(d) Human resources

48. Urban populations are generally better informed about the need to discontinue the practice of female genital mutilation.

49. Many pockets of resistance persist in rural areas, however, for example among the Soninkés in Guidimakha region, the Pulaars in Brakna and Gorgol regions, and the populations of the Hodh El Charghi and Hodh El Gharbi regions in the south-east.

50. It must be noted, however, that the symbolism attaching to female genital mutilation, i.e. submission of the female sex, is less powerful nowadays and excision is no longer a precondition for marriage among certain ethnic groups.

51. Moreover, public and private health services keep statistics on various complications that can arise following excision (haemorrhage among girls, rupture of the perineum in labour, tetanus, AIDS, etc.).

(e) Obstacles to the adoption of the law

(1) Social and cultural obstacles

52. Mauritania's various ethnic groups hold differing views on the need for a law to combat female genital mutilation, according to the findings of FNPDF campaigns in Nouakchott, Brakna, Gorgol, Trarza, Adrar, Dakhlet Nouadhibou and Assaba.

53. Population groups of Arab stock are much more receptive to discontinuing the practice of excision than the Soninkés and Pulaars, who are holding fast to their traditions despite the realization that the sharia does not prescribe the practice.

54. Nevertheless, the Soninkés appear to be benefiting from the commitment of some of their leaders who have been made aware of the need for a law prohibiting female genital mutilation.

(2) Fundamentalist religious movements

55. Mauritania has a fundamentalist movement which opposes the advancement of women and believes that female genital mutilation should not be outlawed because it is allegedly not prohibited by the sharia.

56. However, this political-cum-religious movement is being resisted by the orthodox authorities of the High Islamic Council, who resolutely favour the adoption of a law against female genital mutilation.

(3) The view of certain women's organizations

57. Some women's organizations consider that the adoption of a law against female genital mutilation might not be supported by local communities, especially in rural areas.

(f) Strategies to legislate on female genital mutilation

58. A survey carried out by FNPDF reveals that, to date, the Mauritanian courts have never heard a case involving female genital mutilation.

59. However, excision could be treated as mutilation involving intentional wounding of women, and thus would fall within the scope of the Criminal Code.

60. FNPDF's study concludes by outlining the following strategy to adopt a law against female genital mutilation:

- Support awareness-raising programmes aimed at rural communities, recalcitrant religious leaders, and especially the Soninkés and Pulaars living in Brakna, Gorgol, Guidimakha and Trarza regions;

- Strengthen the capacity of associations and institutions which are campaigning to adopt the law;

- Emulate successful models, for example similar laws adopted by Senegal and Burkina Faso;

- Seek endorsement from the highest State authorities, in particular the President, with a view to ensuring public acceptance;

- Promote wider knowledge of the provisions and conditions of application of the law;

- Re-integrate former practitioners into society by offering training in traditional midwifery and making available re-integration grants.

61. Beyond and in parallel with various national and transnational initiatives, regional activities are essential if a comprehensive approach for dealing with female genital mutilation is to be developed.

B. Regional initiatives

62. The African continent is extremely active in the regional sphere, despite numerous difficulties of an economic, social and cultural nature, or owing to famine, drought or the armed conflicts afflicting the continent.

63. As part of the follow-up to the symposium for religious leaders and medical personnel held in Banjul, the Gambia, from 20 to 24 July 1998 (E/CN.4/Sub.2/1999/14, paras. 47-54), another symposium for religious and traditional leaders was held in Arusha, Tanzania, from 20 to 22 August 2000. Twenty-three of the 53 participants, representing 10 African countries, were religious leaders and the rest were representatives of United Nations agencies, NGOs, national committees of the Inter-African Committee, and government representatives. The purpose of the symposium was to review and evaluate action undertaken by the religious leaders since the Banjul meeting, and to develop a plan of action aimed at strengthening present or future

activities, through the establishment of an African network of religious leaders. The representative of the Islamic Republic of Iran proposed that a comparative study of female genital mutilation should be conducted by country and religion. The Arusha Declaration on Harmful Traditional Practices was issued at the closure of the symposium.

64. The Special Rapporteur welcomes this initiative, which reflects increased awareness by the different parties concerned, who have committed themselves to a long-term process requiring continuous efforts.

65. Following the two preparatory meetings held in 1997 and 1998, which led to the revision and in-depth consideration of the preliminary draft convention on the elimination of harmful traditional practices affecting the human rights of women and girls, the draft is to be submitted to the Ministerial Conference of the Organization of African Unity for adoption. Following consultations in 2000 by the Organization of African Unity in cooperation with the Economic Commission for Africa and the Inter-African Committee, it was proposed that the preliminary draft convention should be integrated into the future African Charter on women's rights. This proposal must be adopted by the Ministerial Conference of the Organization of African Unity and approved by the Organization's Assembly of Heads of State and Government. Once adopted, this document will be a binding legal instrument of regional scope and will create legal obligations for the States that ratify it. It will also strengthen the numerous regional and national campaigns that have been launched against female genital mutilation.

66. In that respect, in an effort to persuade the Government of Mauritania to accede to the preliminary draft convention, which the Organization of African Unity is proposing to add to the African Charter on Human and Peoples' Rights as an additional protocol, a study was sponsored by the FNPDF. According to the study, which has received the support of the United Nations Development Fund for Women, the African Charter does not lay sufficient emphasis on women's fundamental rights to liberty, equality and dignity. The study notes that the Charter's old-fashioned conception of human rights in Africa derives from ancient traditions and values of African civilization that relegate women to the background in relation to men. For example, the only reference to women in the Charter appears in article 18, which stipulates that the State shall ensure the elimination of all discrimination against women and shall also ensure the protection of the rights of women and children as stipulated in international declarations and conventions. According to the study this article reflects a paternalistic conception of women which reduces them to the status of minors.

67. The draft protocol provides women with more justice and equality in this respect, advocating in article 2 the adoption of positive measures to fill the existing gap in rights between men and women. Article 5 of the protocol concerning women stipulates that States must protect women and girls against all forms of violence, and that violence committed against women in times of war should be considered war crimes and punished as such.

68. With regard to traditional practices that are harmful to the health of women and girls, the draft protocol opposes early marriage and sets the age for marriage at 18. Article 20 deals with widows. Article 6 defines harmful practices as meaning all behaviour, attitudes and/or practices which negatively affect the fundamental rights of women and girls, such as their right to life,

health and bodily integrity. Pursuant to that article, States parties undertake to enact and effectively implement appropriate national legislative measures to prohibit all forms of harmful practices which endanger the health and general well-being of women and girls.

69. The draft protocol advocates information, formal and informal education, communication campaigns and outreach programmes. It states that the necessary measures should be taken to prohibit the medicalization and para-medicalization of female genital mutilation and scarification, in order to effect a total elimination of such practices. Article 6 also provides for the rehabilitation of victims of harmful practices through the provision of social support services such as health services, counselling and skills training to facilitate their reintegration into their families, communities and in other sectors of the society.

70. Finally, States parties must protect and grant asylum to those women and girls who are at risk of being subjected to such harmful practices.

71. It is the Special Rapporteur's hope that this protocol, which represents an important step forward in action to combat harmful traditional practices in Africa, will be adopted by the Organization of African Unity summit.

C. International initiatives

72. The Pan-African Women's Organization, in partnership with the Vienna Institute for Development and Cooperation, organized an international conference on female genital mutilation which was held in Vienna from 31 October to 1 November 2000. Owing to previous commitments the Special Rapporteur was not able to take part in the conference, but she has given attention to the conclusions of this meeting, the first of its kind in Austria. This conference made it possible for various committed actors to meet in a country where specific data on this subject had previously been unavailable.

73. The conference provided an opportunity to discuss legal, political, social, medical and cultural aspects of female genital mutilation. Some participants stressed that female genital mutilation refers to practices that violate human rights. Representatives of certain African countries spoke about the progress achieved and obstacles that continue to be encountered in combating female genital mutilation. The conference also threw new light on the global dimension of this issue. Such practices are exported towards other countries, notably European countries, including Austria, by immigrants to those countries. The conference enabled such countries' to gain understanding of the problem and reminded them of their obligations and duties as host countries.

74. The United Nations Population Fund held its fourth African Women Ministers and Parliamentarians regional conference from 24 to 27 July 2000 in Windhoek, Namibia, under the theme "Challenges to Meet Adolescent Sexual and Reproductive Health Needs in sub-Saharan Africa". Discussion centred on the elimination of female genital mutilation.

75. The Women's World Forum against Violence, attended by women from 96 countries, was held in Valencia, Spain, from 23 to 25 November 2000. The Forum considered four priority themes and discussions led to the adoption of a series of recommendations. The themes chosen

were: domestic violence, female genital mutilation, sexual exploitation and violence against women in times of armed conflict. As part of the recommendations relating to female genital mutilation, the Forum made an appeal for immediate international action. It also requested the United Nations to develop a strategy aimed at the total eradication of female genital mutilation. United Nations bodies would be entrusted with evaluating the progress achieved, on the basis of previously-established benchmarks and objectives. The Organization of African Unity was also encouraged to adopt as soon as possible the preliminary draft convention on the elimination of harmful traditional practices affecting the human rights of women and girls, and the countries with high immigration rates were asked to take legislative and preventive measures to protect girls at risk. An appeal for international cooperation was also made, with a view to providing the countries and programmes combating this practice with financial assistance.

76. In this connection, the Special Rapporteur would like to reiterate the appeal she regularly makes to all countries with large inflows of immigrants to develop and put into effect programmes to combat harmful traditional practices in accordance with their national laws and international standards, but always with due respect for the cultural values of the migrant population groups and without denigrating their cultures or treating the societies concerned with disdain or an air of superiority (E/CN.4/Sub.2/2000/17, para. 29).

D. Other information

77. Before closing this section dealing with female genital mutilation, which gives a brief review of some of the most recent initiatives in this area, the Special Rapporteur would like to note that young people are particularly committed to combating harmful traditional practices, that she continues to receive mail and other information concerning male circumcision and that several studies have been conducted by university departments, such as the department of sociology of the University of Minnesota, or by individuals, on social, anthropological, medical and other aspects of female genital mutilation.

78. The Special Rapporteur once again expresses her appreciation for the many petitions sent in by schoolchildren and students from various countries condemning female genital mutilation. This trend, which increased in intensity last year, has not declined. This awareness and mobilization on the part of young people is an encouraging sign that the practice may eventually be eradicated. Since most of the petitions are sent in by European or North American institutions, however, she would like to appeal to the teaching staff concerned to ensure their students are given clear, objective information in order to avoid religious overtones or the stigmatizing of certain cultures.

79. The Special Rapporteur also wishes to report that a "Youth Forum", organized by the Inter-African Committee, was held in Addis Ababa from 25 to 27 April 2000. More than 60 young people from 16 African countries were joined there by representatives of United Nations organizations such as WHO, UNFPA and UNICEF and other special guests. Young people, who account for 40 per cent of the population of Africa, have an important role to play in the eradication of harmful traditional practices.

80. These extremely motivated young people discussed various harmful traditional practices such as female genital mutilation, early marriages and nutritional taboos and they undertook to

do everything they could to eradicate them. They decided to set up a youth network in Africa, which would be responsible in particular for implementing the plan of action adopted by the young people during the forum; this plan of action outlines strategies for eradicating harmful practices through information, education, dialogue, and creating awareness in communities, especially among religious leaders and notables. The young people said they were convinced that their joint efforts and their cross-border links would greatly help to change people's attitudes.

81. The Special Rapporteur welcomes this initiative, which, she hopes, will be followed by other young people, either by joining the existing network or by creating other similar networks. She also hopes the networks will extend beyond the African continent.

82. For the sake of transparency, the Special Rapporteur would like to mention the fact that she continues to receive occasional letters condemning male circumcision. In that connection, she would like to recall that her mandate, as defined by the Sub-Commission on the Promotion and Protection of Human Rights, concerns traditional practices affecting the health of women and the girl child. The same mandate applies with regard to the General Assembly or other United Nations bodies. By restricting herself to female circumcision, the Special Rapporteur is therefore only keeping to her terms of reference. Furthermore, she considers that the harmful effects of male circumcision cannot in any way be compared or equated with the violence, danger and risk faced by girl children and women.

83. Finally, the Special Rapporteur welcomes the research being conducted by universities and by individuals as part of specialized study or out of personal interest, and encourages such initiatives.

II. OTHER TRADITIONAL PRACTICES

84. The Special Rapporteur was particularly shocked by reports in the media concerning crimes of honour. Moreover, while the practice of female genital mutilation is arousing opposition in the public awareness, and in particular among the communities concerned, other practices, which are just as harmful and widespread, are still maintained and sometimes even reappear in different guises, becoming more insidious. Examples are early marriage, forced marriage, early pregnancy, son preference, dowries and violence in the family, including incest.

85. The section below gives information submitted by Governments concerning practices other than sexual mutilation as well as all further information received by the Special Rapporteur on the subject.

A. Information supplied by Governments

86. In its submission, the Government of Azerbaijan described the progress made in the enforcement, promotion and protection of women's rights. Despite legislative and governmental measures aimed at ensuring equality before the law and with regard to social benefits, on the one hand, and the protection of women against abuse and violations of their rights, on the other, Azerbaijan acknowledges that practices affecting the health of women and girls, such as domestic violence and acts committed in the name of honour, continue to exist. In that respect,

the competent national ministries and administrations are taking measures to ensure that inquiries are opened into such offences in order to punish those responsible and prevent the offences from recurring.

87. Guatemala's submission refers to various measures of a preventive, penal, legislative and administrative nature taken to protect women and children in Guatemala. Following the adoption in 1998 of a national plan of action for the elimination of harmful traditional practices affecting the health of women and children, governmental bodies took measures which have had a positive impact on practices such as son preference, early marriage and violence against women and girls, and on reproductive health, control of pregnancies and family planning policies. These achievements were made possible, in particular, by integrated follow-up of such practices within the different ministries and other non-governmental bodies, and by training and information campaigns and the revision of textbooks.

B. Measures taken within the United Nations system

88. The Special Rapporteur would like to draw particular attention to the campaign launched by UNICEF on 7 March 2001 against early marriage, or child marriage. Based on statistics showing that it is common to find countries where more than 50 per cent of girls are married by their eighteenth birthday, UNICEF launched a world campaign to prevent early marriage. The campaign was accompanied by the publication of a report addressing the numerous negative consequences and the implications of early marriage, ranging from limitations on girls' freedom to consequences for their health and education. Early pregnancy, the natural consequence of such marriages, leads to an increase in infant mortality. Furthermore, girls, who are at greater risk of contracting HIV, are quite frequently infected by a husband who is himself infected and believes that he will be cured by having sexual relations with a virgin. Preventive measures require mobilizing organizations and individuals in the field and providing parents and girls with clear information. Education for parents, to convince them of the need to send their girls to school and keep them there as long as possible, is the key element of any preventive policy. In addition, information services explaining the risks to which they are exposed should be made available to girls who are already married.

89. In that connection, it should be noted that the Working Group on Contemporary Forms of Slavery decided, at its twenty-sixth session, to examine as a matter of priority at its twenty-eighth session (2003) the question of contemporary forms of slavery related to discrimination, in particular discrimination based on sex. Early marriage, forced marriage and bride selling will be among the topics discussed.

90. In connection with the priority activities and programmes set up by the United Nations Population Fund to control the spread of HIV, and as part of the follow-up to the implementation of the Programme of Action of the International Conference on Population and Development, held in Cairo in September 1994, the United Nations Population Fund devoted its annual report to the negative impact of inequality based on sex, not only on individuals but also on the national economy and on social progress. With regard to reproductive health, the effect of such inequalities on adolescents is seen in early pregnancies, an increase in infant mortality and discrimination in access to health care and in the quality of care received.

Conclusions

91. The Special Rapporteur would like once again to express her appreciation to the States and international organizations which not only responded to her request for information, but have expressed their commitment and determination to act to improve the situation of women throughout the world who are suffering discrimination that most often seriously affects their physical and emotional health and that undeniably represents an attack on their dignity and a flagrant violation of their most basic rights.

92. Local and international NGOs, particularly the leaders of the Inter-African Committee, deserve steady encouragement and material and financial support for the crucial role they play in implementing policies and activities aimed at eliminating harmful practices.

93. The Special Rapporteur would like to pay them tribute and to make her support available for any such initiatives, at national, regional or international level.

94. She would like, however, to make a few comments on the treatment given to crimes of honour at the fifty-fifth session of the General Assembly. In her fourth report on the situation regarding the elimination of traditional practices affecting the health of women and the girl child, the Special Rapporteur explained that the crime of honour is an ancient practice that prevails in some parts of the Middle East and in Pakistan, and was also common in the past in countries of the Mediterranean Basin, particularly in very traditional, remote areas of Greece and Italy, where it was principally aimed at birth control.

95. She also emphasized the fact that crimes of honour go against the principles of Islam.

96. For that reason, in February 2000 a major demonstration was held, led by the Jordanian princes, to urge the abolition of the practice. A demonstration was also held in Pakistan to condemn the practice.

97. The Special Rapporteur concluded by saying that she remained convinced that dialogue, perseverance and education for both men and women would in the end overcome all such harmful practices. There is absolutely no doubt that changes in attitudes are a crucial factor in successfully combating age-old traditions perpetrated by traditional societies that should in no case be condemned, even in the name of human rights.

98. Attempting to impose changes by deliberately undermining what societies hold most sacred, through denigration, false propaganda or discriminatory stereotypes, is counterproductive to effective action to combat injurious practices.

99. It should be noted that, if progress has been observed in combating female genital mutilation, that has been because the campaigns that have been conducted for years at both international community and NGO level have been based on dialogue, persuasion and respect for the people concerned and have raised the awareness of Governments and all leaders in a position to encourage them to contribute effectively to combating such practices.

100. It is therefore regrettable that, at the fifty-fifth session of the General Assembly, the sponsors of resolution 55/66, entitled Working towards the elimination of crimes against women committed in the name of honour, did not take the necessary care to ensure a dispassionate debate and the adoption by consensus of a draft whose intentions were well-meaning, but which got off to a very unfortunate start with the projection, at United Nations Headquarters, of a film entitled "Crimes of Honour".

101. The Muslim delegations were particularly surprised at the tendentious nature of the film, made by a non-Muslim, Shelley Saywell, which attributed crimes of honour to Islamic practices and manipulated and distorted Koranic verses to prove its point. The projection prompted the members of the Organization of the Islamic Conference officially to express regret and state that crimes committed against women have absolutely no basis in Islamic teachings, practices or values.

102. The draft resolution was put to a vote, which in the Special Rapporteur's opinion could have been avoided if the sponsors of the resolution had sufficiently considered the advisability of showing a film that, far from achieving the sponsors' goal, had a disruptive effect and led to controversy and confrontation which did nothing to serve the fight against harmful practices such as crimes of honour.

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OTHER ISSUES

Report of the Secretary-General on the situation of women and girls in the territories occupied by Afghan armed groups, submitted in accordance with Sub-Commission resolution 2000/11

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Introduction

1. The present report is submitted in accordance with resolution 2000/11, in which the Sub-Commission requested the Secretary-General to continue to make available all the information that could be compiled on the situation of women and girls in the territories controlled by Afghan armed groups.

2. This report supplements the report submitted to the Commission on the Status of Women at its forty-fifth session in March 2001, entitled, "The situation of women and girls in Afghanistan" (E/CN.6/2001/2/Add.1). The earlier report provides an overview of the situation of women and girls in Afghanistan against a background of deteriorating socio-economic conditions, continued conflict and the prevalence of discriminatory attitudes and practices, including discriminatory edicts issued by the Taliban authorities. The report also contains information about actions taken by the United Nations system and the assistance community to improve the situation of women and girls in Afghanistan as recommended by the Economic and Social Council in its resolution 2000/9. To avoid duplication the present report will only include relevant new developments/material since March 2001 and should be read together with the earlier substantive report, which will be circulated at the Sub-Commission as a reference document.

3. In recent months the following resolutions have been adopted on the situation of women and girls in Afghanistan.

4. At its forty-fifth session, in March 2001, the Commission on the Status of Women, acting without a vote, recommended that the Economic and Social Council adopt a resolution on discrimination against women and girls in Afghanistan. It strongly condemned the continuing grave violations of the human rights of women and girls, including all forms of discrimination against them in all areas of the country, particularly in those under the control of the Taliban. It also condemned the continued restrictions on women's access to health care and the systematic violation of their human rights in Afghanistan, including the restrictions on access to education and employment outside the home, on freedom of movement and on freedom from intimidation, harassment and violence.

5. At its fifty-seventh session, in April 2001, the Commission on Human Rights adopted, without a vote, resolution 2001/13 on the situation of human rights in Afghanistan, in which it strongly condemned the mass killings and systematic human rights violations against civilians and persons deprived of their liberty, for reasons related to the armed conflict, resulting in the massive, forced displacement of the civilian population. It also noted with deep concern the continuing pattern of human rights violations in Afghanistan and the continuation of armed hostilities and the complex nature of the conflict, including its ethnic, religious and political aspects, which had resulted in extensive human suffering and forced displacement. Furthermore, the Commission condemned the continuing grave violations of the human rights of women and girls and urged all Afghan parties to respect fully all human rights. The Commission decided to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for a further year.

The conflict

6. As stated in the earlier report, the conflict is both an outcome of and a factor contributing to the protracted crisis. Mitigating the conflict and ameliorating the way it is prosecuted are essential for improving the situation of women and girls, as well as men and boys. Other factors relating to the conflict, include profound underdevelopment, widespread poverty, lack of representative governance mechanisms and official gender discrimination, must also be addressed.

7. The conflict and its destructive impact on communities and the right to life, and the accumulated and indirect effects of war contribute to a massive human rights deficit. This deficit includes denial of the right to food, the right to health and the right to education. Nor do Afghans enjoy freedom from fear or freedom of association. The collapse of civil society and the limited ability of Afghans to participate in or influence decision-making have a direct negative impact on their right to life and other rights essential for livelihood and survival with a modicum of dignity. Women and girls suffer disproportionately in the realization and enjoyment of all their rights and there are few current indications that this situation will improve significantly in the near future.

8. State and non-State actors across the region and beyond continue to provide new arms, ammunition, fuel and other logistical support, as well as training and advisory assistance to the parties to the conflict in Afghanistan. The arms provided have been directly implicated in serious violations of international humanitarian law.

9. Reports supported by reliable eyewitnesses document the summary executions and massacres carried out in January 2001 in Yakawlang. These reports indicate that, in the taking and retaking of Yakawlang, breaches of humanitarian law were committed by both parties as they violated the neutrality of medical facilities in the district and disregarded the rights of civilians to be treated as non-combatants. Yakawlang was captured by United Front forces (Hezbe Wahdat and Harakat Islami) on 28 December 2000 and recaptured by the Taliban in early January 2001. Taliban forces reached the district centre of Nayak in the morning of 8 January 2001. There are reports of mass arrests followed by summary executions carried out by Taliban forces between 8 and 12 January 2001. A number of aid agency personnel and a United Nations staff member were among those killed during this period.[1]

10. On 16 February 2001, the United Nations High Commissioner for Human Rights published a statement on Afghanistan. In view of the repeated massive violations of human rights and humanitarian law in Afghanistan, the High Commissioner called upon the international community to establish an independent international inquiry into the massacres and other grave human rights violations committed by parties to the armed conflict in Afghanistan. This statement was made in the context of reports of, inter alia, the summary execution of civilians by Taliban forces in the Yakawlang district of the province of Bamyan in January 2001.

11. The pattern of systematic burning of houses and wide-scale arbitrary detentions continues. On 15 June 2001, the Secretary-General issued a statement expressing concern at the alarming reports from Afghanistan of indiscriminate bombing, including attacks on the District Hospital and local aid agency facilities, and violence against civilians during the takeover of

Yakawlang by Taliban forces on 11 June. The Secretary-General was also disturbed at the reported widespread burning of homes and other property and at the large number of civilians said to have been detained and removed from the area. He expressed his dismay at the persistent failure of the warring parties to abide by international humanitarian norms and to hold those responsible for gross violations of human rights accountable for their actions. The Secretary-General urged the international community and human rights organizations to explore new approaches that would prevent further abuses and put an end to the climate of impunity.

12. The Special Rapporteur on the situation of human rights in Afghanistan stated in his report to the Commission on Human Rights at its fifty-seventh session that, in order to deter and prevent the occurrence of such atrocities, an effective international initiative was needed to expose and hold to account those responsible for war crimes, breaches of international humanitarian law and gross violations of human rights. International cooperation was needed to deny impunity and enforce accountability by developing mechanisms to undertake a full investigation to gather evidence and to identify those responsible in order that they might be brought to justice. The findings of that investigation would provide a basis for enforcing accountability through appropriate mechanisms at the national and international levels (E/CN.4/2001/43/Add.1, paras. 10 and 13).

The Food crisis

13. According to the FAO/WFP crop and food supply assessment,[2] Afghanistan faces a much more serious food crisis this year than last year as a consequence of severe drought for the third consecutive year and intensifying economic problems. The food situation is rapidly deteriorating and will continue to worsen as the current marketing year (2001/02) progresses. There is mounting evidence of emerging widespread famine conditions in the country, reflecting substantially reduced food intakes, collapse of the purchasing power of the people, distress sales of livestock, large-scale depletion of personal assets, soaring food grain prices, rapidly increasing numbers of destitute people, and ever swelling numbers of refugees and internally displaced persons.

14. Poor access to drinking water in many villages has an impact on the incidence of water-borne diseases, as exemplified by the high incidence of diarrhoea and dysentery in many areas. The situation will probably continue to worsen as the food deficit, aggravated by a poor harvest, takes its toll on the local population. In remote districts, few, if any, aid organizations are operating, because of access and logistical constraints.

15. The high level of food insecurity and water scarcity has a particular impact on women and children. One effect of the growing poverty is that many male breadwinners are leaving their homes in search of work in neighbouring countries or within Afghanistan, while women and children are left behind either in settlements for internally displaced persons (IDPs) or at their places of origin. Moreover, the need to prioritize expenditure and lack of money for food mean that women and girls suffer disproportionately. Women tend to reduce their own food allowance in favour of the men, because they are "workers", and children. The amount of money available for women's medical costs and transport to the nearest health centre will

decrease, putting them at greater risk of maternal mortality. Further, women and children are the main water-collectors and, with the increasing scarcity of potable water in drought-affected areas, they have to walk longer distances to fetch water - sometimes five or more kilometres.

16. In remote rural areas, the situation is particularly difficult in terms of food security and is aggravated by the fact that there are no road links to the outside world, which can only be reached on horseback or on foot. In some areas, many of the local population have already left their homes and gone to swell the number of IDPs in camps or have left for Pakistan and Iran. If steps are not taken to address the situation, it can be estimated that a significant portion of the local population could become displaced in the coming months.

Female IDPs and refugees

17. Since mid-2000, up to 700,000 Afghans, the vast majority of whom are women and children, have left their homes because of conflict, drought and human rights violations. They have flocked to the bigger towns and cities or crossed the border into Iran and Pakistan.

18. The Senior Inter-Agency Network on Internal Displacement, led by the United Nations Special Coordinator on Internal Displacement, together with representatives of FAO, UNHCR, UNDP, UNICEF, WHO and the NGO community, undertook a mission to Afghanistan from 18 to 25 April 2001. They assessed the nature and magnitude of the crisis affecting internally displaced populations and related vulnerable populations, particularly women and children, including those at risk of being displaced. Their report confirms that the condition of women in Afghanistan is dramatic: the Taliban have pursued a policy of marginalization of women and girls, including by placing a ban on education, prohibiting women from working outside the house and restricting their freedom of movement. However, the application of such restrictions has been inconsistent, allowing the humanitarian community to devise various entry points to reach some women and girls in need. They made a series of proposals, which are included in the recommendations section of the present report (see para. 34, below).

19. According to recent statistics provided by UNHCR, the gender and age profile during the period January-May 2001 of households covering a total of 13,140 returnees was as follows: of the interviewed returnees, 52 per cent had returned from Pakistan and 48 per cent from Iran. In the eastern and southern regions, all those interviewed had returned from Pakistan. Fifty-two per cent of the Afghan returnees interviewed were male and 48 per cent female. Of the total number of returnees, 25 per cent are children below school age, 30 per cent are between 6 and 18 years of age. Of the interviewed heads of returnee families, 95 per cent were men, while 5 per cent were women (109 families). Ten per cent of the returnee families have one or two physically, psychologically or socially vulnerable family members. Forty-six per cent of the interviewed returnee families have access to health services within reachable distance (2-38 km) from their place of return, while the majority - 56 per cent - of those interviewed have no access to any kind of health service - mobile or permanent health unit, doctor or clinic. Of the school-age children of returnee families interviewed in 2001, 69 per cent are not attending any school, either public or home-based, or receiving madrasa or mosque-based education. Twelve per cent of the male returnee children are receiving education in madrasas or mosques, 10 per cent in public schools and 1 per cent in home-based schools. Of the girls, 5 per cent are receiving education in madrasas or mosques, 2 per cent in home-based schools (in the western

region) and 1 per cent in public (community based) schools. However, interest among returnee families in sending their children, including girls, to school continues to be very high among 87 per cent of the interviewed heads of returnee households. Among the reasons for not doing so, the lack of a school facility was among the reasons primarily mentioned, while only 13 per cent of the returnee families referred to restrictive policies on the part of the authorities. After more than two decades of conflict, Afghanistan has some of the worst education indicators in the world according to a UNICEF Afghanistan paper entitled "Education - a chronic emergency in Afghanistan". It records how access is low at all levels, especially for girls, but also for boys. According to recent UNESCO data, as few as 3 per cent of Afghan girls and 39 per cent of boys in the relevant age groups may be attending some form of primary education, the quality of much of which remains poor.

Official gender discrimination

20. The policy and practices of the Taliban authorities, which exacerbate the discrimination already suffered by Afghan women, continue to be a major concern. Physicians for Human Rights recently released a population-based study aimed at documenting the degree to which Afghan women perceive that violations of human rights by the Taliban regime affect their health and well-being. It assesses the Afghan people's attitudes towards women's human rights and the importance of these rights for community health and development in Afghanistan. While noting that women's suffering in Afghanistan may be caused by a number of factors, not simply Taliban policies, the study focuses particularly on the effects of official policies of discrimination against women. Physicians for Human Rights underlines that policies restricting women's rights are not the product of years of conflict and social and economic deprivation, which are arguably difficult to resolve; they are man-made policies that can be revoked as easily and swiftly as they came into being. It reports that, although the Taliban claim that their gender policies are rooted in Afghan history and culture, this claim is contradicted by the views of the Afghan women and men in the study. Over 90 per cent of Afghan women and men surveyed by Physicians for Human Rights strongly support rights for women currently restricted by the Taliban regime, including equal access to education and work opportunities, freedom of expression, legal protection of women's human rights and participation in government. They also agree that women's human rights issues should be included in peace talks. Approximately 80 per cent of women and men agreed that women should be able to move about freely and that the teachings of Islam do not restrict women's human rights. Seventy-five per cent of women and men expressed the view that women should be able to associate with people of their own choosing.

21. Some commentators have raised concerns about the methodology used for the study, including the way the questions were formulated and presented. The main concern was that the Physicians for Human Rights statement oversimplifies the problem and that attitudes and beliefs are much more complicated than the study indicates. Nevertheless, its finding that the vast majority of both Afghan women and men support women's rights provides an insight into the extent to which Taliban policies appear to fail to represent the interests of the Afghan people.

The narrowing humanitarian space for the United Nations and the aid agencies

22. There has been a narrowing of the humanitarian space available for relief agencies to operate effectively in Afghanistan since the beginning of the year, which has severe implications for vulnerable groups of the Afghan population who are dependent on international assistance. The consequences of the increasingly difficult operating environment include: reduced ability to work with or access women; inability to reach populations that are a low priority for the Taliban authorities; and generally increased costs to the extent that otherwise viable projects have to be considered for closure. A continued deterioration of the operating conditions, to the extent where staff security cannot be assured, could ultimately force aid agencies to withdraw and suspend operations.[3] A chronology of recent incidents is provided below.

23. On 25 May 2001 the World Food Programme (WFP) announced that it would have to suspend its bakery programme by 15 June unless the Taliban allowed a survey to be conducted to identify the capital's "most needy". The list of approved beneficiaries of the bakery project was outdated and many hungry people had to do without. WFP said it needed to hire between 20 and 30 Afghan women to conduct the survey, but the Taliban refused to allow them to hire local women. In a meeting with a United Nations team, the Taliban foreign minister, Mowlawi Wakil Ahmad Mutawakkil, suggested that, if the five-year-old bakeries were forced to close, the Islamic Emirate (Taliban) authorities could take over the running of the programme. The Taliban also proposed two alternative options. The first was to hire men to conduct the survey, in spite of the fact that, under Islamic Emirate rules, men cannot talk to women. The second option was to hire women of Pakistani, Tajik or Iranian nationality. The United Nations team indicated its opposition to both those proposals. A final agreement was reached on 17 June 2001, although it has yet to be implemented. Part of the arrangement is that Ministry of Public Health (MOPH) females, selected jointly by WFP and MOPH, will undertake a survey to determine vulnerability.

24. The Taliban authorities in Afghanistan have ordered that female aid workers are not to drive vehicles. A letter issued by the Taliban religious police in May 2001 stated that foreign women driving cars in Afghan cities was "against Afghan traditions and has a negative impact on the environment". It states that in future, foreign women must not drive cars and must "abide by the regulations of the Islamic Emirate (of Afghanistan)".[4]

25. An increasing number of visitors to Afghanistan, known as "guests", from the Gulf and other countries, have been directing abuse and sometimes death threats at aid workers and United Nations staff. Equally, the conduct of the Taliban's religious police from the Ministry for the Prevention of Vice and Promotion of Virtue has become increasingly hard-line, including engaging in indiscriminate arrests.

26. On 24 June 2001, police from the Ministry for the Prevention of Vice and Promotion of Virtue raided an Italian-funded emergency hospital in Kabul, beating several staff members and forcing the hospital to suspend operations, because male and female staff allegedly mixed in the dining area and operating wards. The Taliban authorities have also recently blocked the delivery of humanitarian aid to large parts of the Hazarajat region, which is populated mainly by Shia Muslims and includes centres of armed opposition activity.

27. The Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator has expressed his concern about the increasing harassment and abuse of Afghan national staff of the United Nations and the NGO community and about restrictions on programmes that attempt to help women as well as men. He has called upon the Taliban to take immediate steps to improve the working environment of the humanitarian community.[5]

28. The United Nations is working to maintain "humanitarian space" and to secure the Taliban's compliance with the Humanitarian Operational Requirements (HOR) document.[6] The HOR is an agreement which was reached with the Taliban on a number of "basic operational requirements", including the need for free and unhindered access for aid workers, security of staff, the ability to assess and monitor programmes independently, and the need for such programmes to be based on "universality, impartiality and neutrality".

Conclusions

29. The paper entitled "Assistance and human rights in war-torn Afghanistan: challenge and opportunity", prepared for the meeting of the Afghanistan Support Group held in December 2000, succinctly depicts the situation which needs to be addressed if human rights are to be protected against further deterioration:

> "It is increasingly apparent that the coping capacity of those who are most vulnerable has been severely weakened as a result of the war; the majority of the population struggles to survive at near subsistence levels. The situation of females, including in particular female-headed households, is of particular concern given the many old and new restrictions that limit their ability to provide for themselves and their families. Indeed, for women and men alike there are very few job opportunities outside the subsistence economy; for many, the only available option is the criminalized economy or relocation to another area. Afghanistan's socio-economic indicators are well known and are likely to get worse as the drought takes its toll and the underlying causes of poverty and underdevelopment are largely ignored. It is this reality - coupled with the knowledge of what was possible in pre-war Afghanistan - which should motivate the international community to tackle the dynamics which contribute to a worsening of the crisis and with it a further deterioration of the human rights situation."

30. Furthermore, in order to prevent the occurrence of further atrocities, an effective international initiative is needed to expose and hold to account those responsible for war crimes, breaches of international humanitarian law and gross violations of human rights. International cooperation is needed to deny impunity and enforce accountability by developing mechanisms to undertake full investigation, gathering evidence and to identifying those responsible in order that they may be brought to justice. The Taliban authorities and the Islamic State of Afghanistan will be expected to respect their obligation to cooperate in the carrying out of these investigations. The findings of these investigations would provide a basis for enforcing accountability through appropriate mechanisms at the national and international levels.

Recommendations

31. All Afghan parties must:

Respect human rights, international humanitarian law and safeguards for humanitarian space;

Bring to an end without delay all violations of the human rights of women and girls and take urgent measures to ensure the repeal of all legislative and other measures, which discriminate against women;

Take urgent measures to ensure the effective participation of women in civil, cultural, economic, political and social life throughout the country, respect the right of women to work; the right to education without discrimination; respect for women's right to security of person; respect for women's freedom of movement and effective and equal access to facilities necessary to protect their right to the highest attainable physical and mental health;

Ensure the safety and protection of all United Nations and humanitarian workers in Afghanistan and allow them, regardless of gender, to carry out their work unhindered.

32. The international community must:

Take proactive measures to end the conflict which continues to be externally supported; take meaningful measures to address the issue of impunity;

Support the efforts of the aid community to improve the protection of civilians in particular women and children (including the allocation of more resources);

Continue to call for the repeal of all edicts and the end to all forms of gender discrimination;

Continue to give special attention to the promotion and protection of the human rights of women and girls in Afghanistan and to mainstream a gender perspective into all aspects of policies and actions related to Afghanistan.

33. The United Nations and its partners should be supported to:

Continue to ensure that all United Nations-assisted programmes in Afghanistan are formulated and coordinated in such a way as to promote and ensure the participation of women in those programmes, and that women benefit equally with men from such programmes;

Establish culturally sensitive programmes to sensitize Afghan officials, ministry staff and technical departments concerning international principles of human rights and gender equality;

Undertake research that provides better data and information on the situation of women and girls in all areas of the country;

Develop a set of United Nations policy guidelines to deal with issues such as international women being asked to leave meetings, national women's security and mobility;

Women must be brought into all levels of the United Nations, furthermore, those with gender-specific expertise must be included in senior management if the United Nations is to develop appropriate and effective policies to protect and assist women and girls.

34. The Senior Inter-Agency Network on Internal Displacement, in the final report on its mission to Afghanistan from 18 to 25 April 2001, recommended that:

Humanitarian agencies increase their presence in the field to reinforce mechanisms in order better to reach female populations and respond to their needs; and that they continue advocating with the authorities for the rights of women and girls and ensuring that protection and promotion of such rights are incorporated in their programming;

UNCO and UNICEF undertake an assessment of the impact of displacement on women and children, comparing inter alia the status of health (mental and physical) and the coping mechanisms of the displaced and the local population;

UNICEF strengthen child protection programmes, including for psycho-social rehabilitation, using this as an entry point for longer-term education.

Notes

[1] See Report on the situation of human rights in Afghanistan submitted by Mr. Kamal Hossain, Special Rapporteur, E/CN.4/2001/43/Add.1, and "Afghanistan: Taliban massacres detailed", Human Rights Watch press release, 19 February 2001.

[2] 7 June 2001, FAO/WFP Crop and Food Supply Assessment Mission to Afghanistan, see www.pcpafg.org.

[3] Report of the Secretary-General on the humanitarian implications of the measures imposed by Security Council resolutions 1267 (1999) and 1333 (2000) on Afghanistan, S/2001/695, 13 July 2001.

[4] BBC News, Thursday, 31 May 2001.

[5] 27 June 2001, UN Weekly Update.

[6] See Memorandum of Understanding between the Islamic Emirate of Afghanistan and the United Nations signed on 13 May 1998 and the Supplementary Protocol signed on 24 October 1998.

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OTHER ISSUES

Systematic rape, sexual slavery and slavery-like practices during armed conflicts

Report of the High Commissioner for Human Rights

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Introduction

1. At its fifty-first session, the Sub-Commission, in its resolution 1999/16, called upon the High Commissioner for Human Rights to submit a report to the Sub-Commission at its fifty-second session on the issue of systematic rape, sexual slavery and slavery-like practices in situations of ongoing conflict, including information on the status of the recommendations made by the Special Rapporteur of the Sub-Commission. The Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during armed conflict was also requested to submit an updated report to the Sub-Commission at its fifty-second session.

2. In compliance with those requests, the Special Rapporteur submitted her updated report (E/CN.4/Sub.2/2000/21) and the High Commissioner submitted her report (E/CN.4/Sub.2/2000/20), which was based on the most recent activities of treaty monitoring bodies, special rapporteurs and the Commission on Human Rights and provided information on specific conflict situations available from those sources.

3. At its fifty-second session, the Sub-Commission, in its resolution 2000/13, called upon the High Commissioner for Human Rights to monitor the implementation of that resolution as well as resolution 1999/16 and to submit a report to the Sub-Commission at its fifty-third session on the issue of systematic rape, sexual slavery and slavery-like practices in situations of ongoing conflict, including information on the status and implementation of the recommendations made by the Special Rapporteur in her report on systematic rape, sexual slavery and slavery-like practices during armed conflicts (E/CN.4/Sub.2/1998/13) and the update thereto (E/CN.4/Sub.2/2000/21).

4. The present report is submitted in accordance with that request and updates the information contained in the High Commissioner's previous report.

5. As mentioned in last year's report, during past, recent and ongoing conflicts, sexual violence has been used as a weapon of war; a method of threatening populations. Conflicts, both internal and international, are increasingly affecting civil populations and systematic rape is often being used to humiliate civilians and military personnel, to destroy the society and diminish prospects for a peaceful resolution of the conflict. The first victims of these crimes are women and girls.

6. Gender-based violence is a consequence of the lower status of women and girls in society. Women and girls are subordinated, devalued and discriminated against, to varying degrees, in all societies.

7. Armed conflicts exacerbate discrimination and violence directed at women and all recent internal and ethnic-based conflicts have illustrated this fact. Rape and other sexual violence against women and girls is used as a weapon of war. To end the cycle of violence, the equal rights of women to participate in the economic, social, political and cultural life of their societies must be promoted and protected. Without the full equality and participation of women, the empowerment of women, the rehabilitation of women's image, allowing women to develop confidence and respect for themselves and enabling them to realize their full potential and

acknowledging the full value of the contribution they make to the well-being, security and progress of society, any measure taken to prevent the systematic rape of women during armed conflicts, in fact any form of gender-based violence, will fail.

8. The most recent conflicts have been the scene of brutal attacks against civil populations, especially women and children. All kinds of sexual violence, including assault, rape, abuse and torture of women and children, have been used in a more or less systematic manner to terrorize civilians and destroy the social structure, family structure and pride of the enemy. Because of its nature, the consequences of sexual violence extend well beyond those of other forms of violence. The severe physical and psychological trauma to which victims are subject endanger not only personal recovery but post-conflict reconstruction of the whole society. It is essential that the international community carefully address this serious and systematic violation of the most basic human rights and consider measures aimed at preventing such practices and assisting the victims.

I. STEPS TAKEN BY HUMAN RIGHTS TREATY BODIES

Human Rights Committee

9. In March 2000, the Human Rights Committee adopted a comprehensive new general comment on gender equality (CCPR/C/21/Rev.1/Add.1), in which it stated that gender equality is an overarching principle that applies to the enjoyment of all rights, civil, political, economic, social and cultural. The right to gender equality is not merely a right to non-discrimination; affirmative action is required. In that regard, and bearing in mind that women are particularly vulnerable in times of internal or international armed conflicts, States must take special measures to protect women from rape, abduction or other forms of gender-based violence and should inform the Committee of those measures.

10. In the list of issues addressed to it, Croatia was requested to provide information on the progress that had been made in investigating and prosecuting members of the police, security and armed forces and others who had committed offences of rape and other violence against women, and other crimes against the civilian population in the period of armed conflict (CCPR/C/71/L/HRV, para. 9).

11. There have been many developments in the area of gender-related torture and ill-treatment. The Human Rights Committee, for instance, recently commented significantly on article 3 of the Covenant on Civil and Political Rights, which addresses equality between men and women. Women are considered particularly vulnerable during internal or international armed conflicts, and the Human Rights Committee identified the State's obligation to protect women from rape, abductions and other forms of gender-based violence, which could constitute torture under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Committee noted what conditions and issues should be reported by States under articles 7 and 10 of the Covenant with regard to national law and practice regarding domestic violence and violence against women, including rape. It also inquired into State efforts to prevent forced abortions or sterilization, and regularly seeks information on the treatment of detained persons deprived of their liberty on such questions as whether men and women are

separated in prisons, whether women are guarded by female warders, whether juveniles are separated from adults, whether men and women enjoy equal access to the courts and whether their testimony is of equal value.

Committee on the Elimination of Discrimination against Women

12. In considering the report of Myanmar, the Committee on the Elimination of Discrimination against Women recommended that the Government take the necessary steps to put an end to violence against women, the acts of rape perpetrated by the army and the trade in women and children, to reduce the incidence of AIDS among the female population, to improve conditions of detention, lower the high maternal mortality rate and broaden women's access to higher education and skilled employment.

Committee on Economic, Social and Cultural Rights

13. One of the most traumatizing consequences of rape and sexual violence is pregnancy, and the non-availability of safe and legal means of terminating pregnancies resulting from rape. The representative of the Democratic Republic of the Congo, presenting her country's report to the Committee on Economic, Social and Cultural Rights, acknowledged that many women had been raped during the recent disturbances there and that the situation was made worse by the fact that abortion was prohibited save when the mother's health was endangered. In response to pressure from women's organizations, the Government was looking into the situation in other countries, for example Cameroon, where abortion was authorized in cases of rape (E/C.12/2000/SR.17, para. 9).

II. STEPS TAKEN BY HUMAN RIGHTS MECHANISMS AND PROCEDURES

14. In examining the reports submitted by some of the special rapporteurs, both country and thematic, common concerns and conclusions emerge. It is notable that gender-based violence is more frequently mentioned than before among human rights violations. Reports recount cases of women being targeted in various types of conflicts, using various forms of violence; women are raped, sexually abused, beaten, tortured and killed. Rape is being used more frequently as a tactic of war. Various special rapporteurs have mentioned the particular vulnerability of women widowed by war. Most of the special rapporteurs also mention the issue of sexual violence against women within the family.

15. This section provides an overview of situations of gender-based violence examined by special rapporteurs, or the High Commissioner for Human Rights in the ongoing or recent conflicts in Afghanistan, Chechnya, Sierra Leone, East Timor and Uganda, which have all been the subject of attention on the part of the mechanisms. It also refers to recent reports submitted to the Sub-Commission which make reference to sexual slavery.

16. In her report to the Commission on Human Rights at its fifty-seventh session on the situation of human rights in Sierra Leone (E/CN.4/2001/35), the High Commissioner referred to various reports of the Secretary-General to the Security Council. It was mentioned that human rights assessment missions conducted by the human rights section of the United Nations Mission in Sierra Leone (UNAMSIL) in the aftermath of the resumption of conflict in May had reported

several cases of rape and sexual abuse of women, a hallmark of the Sierra Leone conflict. Five women from Kampa (near Rogberi Junction) were abducted by Revolutionary United Front (RUF) elements and raped in May 2000. Three of the women interviewed were lactating at the time of the incident and two had to leave their babies with family members. The women were beaten with rifles. During a period of three days, six different men had raped one of the women who was interviewed. Two different men raped another of the women twice. In Makeni, a nurse reported that 20 cases of rape, including of girls under 18, had been treated in April and May at the local clinic. Another government health worker had treated 19 cases of rape of girls under 18 in the Mile 91 area. Medical sources indicated that most internally displaced women had contracted sexually transmitted diseases, frequently as a result of rape.

17. The Special Representative of the Secretary-General on children and armed conflict, Mr. Olara Otunnu, relayed several disturbing experiences, including his visit to the Murray Town Camp for Amputees in Freetown. The camp accommodates and provides rehabilitation training to some 260 victims of amputations and 100 war wounded, many of whom are children. The youngest child he met, Abu, then 10 months old, had had his legs cut off by rebels when he was just two months old. The Special Representative stated that many children had been deliberately maimed, their limbs brutally cut off. In the month of January 1999 alone over 4,000 children were abducted during the incursion of the RUF and the Armed Forces Revolutionary Council (AFRC) into Freetown. He indicated that informed estimates suggested that 60 per cent of the abducted children were girls, most of whom had been sexually abused (E/CN.4/2001/35, para. 25).

18. The Special Rapporteur on violence against women noted in her report to the Commission on Human Rights at its fifty-seventh session (E/CN.4/2001/73) that violence against women and girls had continued unabated during the period covered by her report (1997-2000). Unimaginable brutality was perpetrated against women and girls in conflicts ranging from Afghanistan to Chechnya, from Sierra Leone to East Timor. The report, which addresses the issue of women and armed conflict, illustrates how, since 1997, women and girls have been raped by government forces and non-State actors, by police responsible for their protection, by refugee camp and border guards, by neighbours, local politicians, and sometimes family members under threat of death. They have been maimed or sexually mutilated, and often later killed or left to die. Women have been subjected to humiliating strip searches, forced to parade or dance naked in front of soldiers or in public, and to perform domestic chores while nude. Women and girls have been forced into "marriages" with soldiers, a euphemistic term for what is essentially repeated rape and sexual slavery, and they and their children have suffered disabilities as a result of exposure to chemical weapons.

19. The Special Rapporteur on violence against women gave special attention in the report to the specific risks faced by girl children during armed conflict and the specific gaps in protection and assistance to women who are internally displaced. She also underscored her growing alarm about women being trafficked from refugee camps and other shelters set up for their protection, as well as being trafficked to service United Nations peacekeepers in countries where such peacekeepers are located. In particular, the Special Rapporteur expresses concern about the growing number of reports of rape and other sexual abuse committed by United Nations

peacekeeping forces and staff, and by soldiers and staff associated with military bases around the world, and emphasized the particular responsibility that the Organization has for taking appropriate steps to prevent such abuse.

20. In his additional report to the Commission on Human Rights at its fifty-seventh session (E/CN.4/2001/76), the Special Representative of the Secretary-General for Children and Armed Conflict noted that, unlike the International Criminal Tribunals for Rwanda and Yugoslavia, which are subsidiary organs of the United Nations, the Special Court for Sierra Leone is a treaty-based, sui generis, court of mixed composition and mixed jurisdiction. Pursuant to Security Council resolution 1315 (2000) the Secretary-General proposed a Statute for the Special Court after conducting extensive negotiations with the Government of Sierra Leone. As proposed by the Secretary-General in his report to the Security Council of 4 October 2000 (S/2000/915), the Court will try crimes committed in Sierra Leone after 30 November 1996 - when the first comprehensive peace agreement between the Government and the Revolutionary United Front (RUF) was concluded - including mass killings, mutilations and amputations, extrajudicial executions, torture, rape and sexual slavery, intentional attacks on civilian populations, abduction, hostage-taking, forced recruitment of children under 15 years into military or militia forces and widespread arson. The primary targets will be those persons most responsible for these crimes.

21. The Office of the Special Representative has also worked with the Special Rapporteur on violence against women - whose 2001 report to the Commission addresses the theme of women and armed conflict. The report highlights the particular plight of girls who have suffered abuses such as rape and sexual molestation during armed conflict and the difficulties they experience in reintegrating into their families and communities in the aftermath of war. The Office of the Special Representative encouraged the Special Rapporteur to refer in her next report to Security Council resolutions 1261 (1999) and 1314 (2000) and to the pertinent parts of the report of the Secretary-General on children and armed conflict, and furnished her with bibliographical and other background materials.

22. Furthermore, the Representative of the Secretary-General on Children and Armed Conflict mentioned that innocent civilians, including women and children, in northern Uganda are caught between the brutality of the Lord's Resistance Army (LRA) and the abuse of the armed forces. It is estimated that thousands of children have been abducted and forced to join LRA since 1988. Most of the abductees - who may have witnessed the murder of their kin and who are forced into servitude as soldiers, porters, cooks and sexual slaves - remain in the hands of LRA. Many of these children have been forced to commit brutal crimes against their peers and communities. At least 100,000 children live under the constant threat of abduction.

23. Moreover, in their updated review of the implementation and follow-up to the conventions on slavery submitted to the Sub-Commission at its fifty-second session (E/CN.4/Sub.2/3 and Add.1), Mr. David Weissbrodt and Anti-Slavery International pointed out that sexual slavery, the sexual exploitation of individuals through the use or threat of force, is related to prostitution, though distinct in that there need not be any "reward or profit". This concept of sexual slavery has been recognized in national courts. For example, in United States v. Sanga 967 F.2nd 1332 a man forced a woman to work as a domestic maid for over two years and forced her to have sex with him. The United States Court of Appeals for

the 9th Circuit unanimously held that she was a "virtual slave" contrary to the provision of the Thirteenth Amendment to the United States Constitution, which prohibits slavery and involuntary servitude.

24. Mr. Weissbrodt and Anti-Slavery International also pointed out (E/CN.4/Sub.2/2000/3/Add.1, para. 58) that abuse and systematic rape of women have long been used as a means of warfare; yet it is only in more recent international documents that references to "sexual slavery" emerge. For example the issue has been mentioned in a report of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia (E/CN.4/1996/63); also in a report of the Special Rapporteur on the situation of human rights in Rwanda (E/CN.4/1996/68). The Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during times of war has pointed out that detaining women in "rape camps" or "comfort stations" [and] forced temporary "marriages" to soldiers are both in fact and law forms of slavery contrary to the international standards (E/CN.4/Sub.2/1998/13, para. 8). The instance of rape and abuse of women in the areas of armed conflict in the former Yugoslavia was highlighted in a report of the Secretary-General (A/51/557) which cites General Assembly resolution 50/192 strongly condemning the abhorrent practice of rape and abuse of women and children in the area of armed conflict in the former Yugoslavia and reaffirming that rape in the conduct of armed conflict constituted a war crime. The Vienna Declaration and Programme of Action confirms that "all violations of this kind, including in particular murder, systematic rape, sexual slavery and forced pregnancy, require a particularly effective response" (para. II. 38).

III. STEPS TAKEN BY THE COMMISSION ON HUMAN RIGHTS

25. At its fifty-seventh session, the Commission on Human Rights referred to the issue in its resolutions on the rights of the child (2001/75) and violence against women (2001/49). In resolution 2001/49, the Commission condemned violence against women committed in situations of armed conflict, such as murder, rape, sexual slavery and forced pregnancy, and called for effective responses to these violations of international human rights and humanitarian law. The Commission also welcomed the inclusion of gender-related crimes in the Rome Statute of the International Criminal Court and its Elements of Crimes document, and urged States to consider ratifying or acceding to the Rome Statute of the International Criminal Court.

26. Also during its fifty-seventh session, the Commission voiced particular concern regarding violations of women's rights in specific countries, including the Democratic Republic of the Congo, Sierra Leone, Afghanistan and Myanmar.

IV. THE INTERNATIONAL CRIMINAL COURT, THE INTERNATIONAL CRIMINAL TRIBUNALS AND INTERNATIONAL HUMANITARIAN LAW

27. In the report of the Secretary-General to the Commission on Human Rights at its fifty-seventh session on fundamental standards of humanity (E/CN.4/2001/91), it was noted that, in the provisions regarding the crime of genocide, the Statute of the International Criminal Tribunal for the Former Yugoslavia (ICTY), the Statute of the International Criminal Tribunal for Rwanda (ICTR) and the Statute of the International Criminal Court all restate the definition

of genocide found in the Convention on the Prevention and Punishment of the Crime of Genocide of 1948. The crime of genocide has, however, been interpreted and developed in recent case law. ICTR gave the first judicial interpretation of the 1948 Genocide Convention in the *Akayesu* case. The Trial Chamber adopted a broad interpretation of genocide, including rape and sexual violence when committed with the intent to destroy in whole or in part a covered group. The Trial Chamber also interpreted the offence of "direct and public incitement to commit genocide" as entailing a provocation to commit genocide "whether through speeches, shouting or threats uttered in public places or at public gatherings, or through the sale or dissemination, offer for sale or display of written material or printed matter in public places or at public gatherings, or through the public display of placards or posters, or through any other means of audiovisual communication".

28. In its decision of 2 September 1998, in *Prosecutor v. Akayesu*, Case No. ICTR-96-4-T, (para. 688: the Trial Chamber stated: "The Tribunal defines rape as a physical invasion of a sexual nature, committed on a person under circumstances which are coercive. The Tribunal considers sexual violence, which includes rape, as any act of a sexual nature which is committed on a person under circumstances which are coercive. Sexual violence is not limited to physical invasion of the human body and may include acts which do not involve penetration or even physical contact."

29. It should also be mentioned that the ICTY, in the Foca trial acknowledged that rape and sexual enslavement are crimes against humanity (IT-96-23 and IT-96-23/1 of 22 February 2001). Three men prosecuted were found guilty of rape, classified as a crime against humanity and a war crime. Two of the accused were also found guilty of sexual enslavement as a crime against humanity by holding women and girls captive in a number of de facto detention centres in and around Foca in Eastern Bosnia and Herzegovina.

30. The use of sexual slavery in any form during times of armed conflict - rape camps, comfort stations, or other forms of sexual abuse - constitutes a grave breach of international humanitarian law. Armed conflict, including occupation of territories, tends to result in increased sexual violence, in particular against women, which requires specific protective and punitive measures.

31. Common article 3 to the four Geneva Conventions prohibits all parties to a conflict from perpetrating "outrages upon personal dignity, in particular humiliating and degrading treatment". Common article 3 has over time been interpreted to include sexual slavery (see preliminary report of the Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during periods of armed conflict, Ms. Linda Chavez (E/CN.4/Sub.2/1996/26)). Article 147 of the Fourth Geneva Convention, which deals with "grave breaches," includes "torture or inhuman treatment ... wilfully causing great suffering or serious injury to body or health". Additional Protocols I and II contain prohibitions against any form of indecent assault, especially of women and children.

V. CONCLUSIONS

32. Already in her 1999 statement to the Security Council at the presentation of the report of the Secretary-General on the protection of civilians in armed conflicts (16 September 1999), the High Commissioner for Human Rights stated: "civilians are no longer just victims of war - today they are regarded as instruments of war. Starving, terrorising, murdering, raping civilians - all are seen as legitimate. Sex is no defence nor is age; indeed it is women, children and the elderly who are often at greatest risk. That is a strange, terrible state of affairs."

33. The inclusion in the ICC statute of special provisions on rape, sexual assault and gender-related crimes reflecting the recommendations made by the Office of the High Commissioner for Human Rights, is a major advance. Moreover, the verdict of the ICTY in the Foca case, acknowledging that rape and sexual enslavement are crimes against humanity, is a significant step for the protection of women's human rights as it challenges widespread acceptance that torture, rape and violence against women are an intrinsic part of war and conflict and holds perpetrators of such crimes accountable.

34. Conventional and extra-conventional human rights mechanisms should continue and strengthen their consideration of all gender-based violations of human rights. To end impunity for acts of sexual violence and sexual slavery during armed conflict, political will and concerted action on the part of the international community, Governments and non-governmental actors are required.

35. While international and humanitarian law are applicable to perpetrators of sexual violence and slavery, the specifically gender-related nature and consequences of these crimes require that the gender aspect of these crimes be taken into account in all legal and extralegal responses, including prevention, investigation, prosecution, compensation and rehabilitation.

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OTHER ISSUES

CONTEMPORARY FORMS OF SLAVERY

Report of the Working Group on Contemporary Forms of Slavery on its twenty-sixth session

Chairperson-Rapporteur: Mr. Rajendra K. Goonesekere

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Introduction

1. On the recommendation of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights, the Economic and Social Council, in its decisions 16 (LVI) and 17 (LVI) of 17 May 1974, authorized the Sub-Commission to establish a five-member Working Group to review developments in the fields of slavery, the slave trade and the slavery-like practices, of apartheid and colonialism, the traffic in persons and the exploitation of the prostitution of others, as defined in the Slavery Convention of 1926, the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, and the Convention of 1949 for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. The Working Group on Contemporary Forms of Slavery was established in 1975 and, by decision of the Economic and Social Council, has met regularly before each session of the Sub-Commission.

I. ORGANIZATION OF THE SESSION

A. Opening and organization of the session

2. The Working Group held its twenty-sixth session from 11 to 15 June 2001, including nine meetings. The High Commissioner for Human Rights opened the session. In her statement, she praised the Working Group for its activities and acknowledged that the financial support given to non-governmental organizations (NGOs) in the field and to former victims of slavery by the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery to enable them to participate in the Working Group's sessions gave a concrete and more human dimension to the testimonies received by the Working Group. She welcomed the fruitful dialogue established between States, NGOs and the Working Group on various questions, including the traffic in persons (which was examined as a priority issue at the present session), as well as the cooperation initiated in this area between the Working Group, NGOs and her Office. She noted the relevance of the work of the Working Group to the various issues discussed in the framework of the forthcoming World Conference against Racism. The High Commissioner expressed confidence that the Working Group could hold a fruitful session and overcome the challenge of a session reduced to five working days.

3. In accordance with Sub-Commission decision 2000/119, the members of the Working Group were: Mr. Goonesekere, Mr. Ogurtsov, Mr. Pinheiro, Mr. van Hoof and Mrs. Warzazi. As neither Mr. Pinheiro nor his alternate, Mr. Fix-Zamudio, could attend, they were replaced by Mr. Alfonso Martínez.

4. In view of the reduced number of meeting days and the heavy schedule of the Working Group, and in response to a request by many participants, a provisional timetable for the session was distributed at the second meeting.

B. Documentation

5. The Working Group had before it at its twenty-sixth session a number of background documents relevant to the issues being discussed, as well as the following documents prepared for the session:

E/CN.4/Sub.2/AC.2/2001/1	Provisional agenda
E/CN.4/Sub.2/AC.2/2001/1/Add.1	Annotations to the provisional agenda
E/CN.4/Sub.2/AC.2/2001/2 and 3	Review of the implementation of and follow-up to the Conventions on slavery. Status of the Conventions: note by the Secretary-General
E/CN.4/Sub.2/AC.2/2001/4	Review of developments in the field of contemporary forms of slavery. Measures to prevent and repress all contemporary forms of slavery, including the consideration of corruption and international debt as promoting factors of contemporary forms of slavery and other forms of exploitation: report of the Secretary-General
E/CN.4/Sub.2/2001/4	Implementation of the Programme of Action on the Sale of Children, Child Prostitution and Child Pornography: report of the Secretary-General
E/CN.4/2001/82 and Add.1	United Nations Voluntary Trust Fund on Contemporary Forms of Slavery: report of the Secretary-General

C. Election of the Chairperson-Rapporteur

6. At the first meeting, the Working Group appointed Mr. Goonesekere Chairman of its twenty-sixth session. In his introductory remarks, the Chairman expressed his appreciation to his colleagues for their confidence, as well as to the former Chairperson, Mrs. Warzazi for her dedication and leadership. He also welcomed the presence and support of the High Commissioner for the activities of the Working Group.

7. All the other members of the Working Group expressed their appreciation and gratitude to the High Commissioner for her presence at the opening meeting and for her expressed interest in the activities of the Group. Her presence and commitment are an incentive to all participants and members of the Working Group.

D. Participation

8. The following States Members of the United Nations were represented at the Working Group's meetings by observers: Belgium, Benin, China, Democratic People's Republic of Korea, Egypt, France, Gabon, Honduras, India, Indonesia, Japan, Mauritania, Netherlands, Pakistan, Philippines, Republic of Korea, Saudi Arabia, United States of America.

9. The following non-member State was also represented by an observer: Holy See.

10. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers: Anti-Slavery International, Change,

Coalition against Trafficking in Women, Coordination française pour le lobby europeen des femmes, Covenant House, International Catholic Child Bureau, International Council of Women, International Movement against All Forms of Discrimination and Racism, International Service for Human Rights, Foundation of Japanese Honorary Debts, Third World Movement against the Exploitation of Women.

11. The Action for Children Campaign, which regularly supplies information to the Working Group, was represented by observers.

12. The following organizations were also represented by observers: Action for Children's Schools Together, Group for International Solidarity, Associazione Iroko, Backward Society Education, Caravane Theâtre Solidarites, Consulting Centre for Constitutional Rights and Justice, Internal Club for Peace Research, Jan Kala Sahitya Sanstha.

E. Adoption of the agenda

13. A participant reminded the Working Group of its decision to consider every two years the issue of incest under the sub-item "Miscellaneous". Incest was therefore included in the provisional agenda of the working group.

14. At the fifth meeting, the Working Group adopted its revised agenda on the basis of the provisional agenda (E/CN.4/Sub.2/AC.2/2001/1).

II. TRAFFICKING IN PERSONS

15. As decided at its twenty-fourth session, the Working Group gave priority consideration to the issue of trafficking in persons, in particular women and children. The Chairman recalled that, in addition to the attention normally devoted to this issue at the Working Group, specific attention had been given by the Working Group to the problem in 1998 (twenty-fourth session), when consultations were organized with specialized agencies and NGOs.

16. Following up on that initiative, the Working Group was again giving priority consideration to the issue of trafficking. Some participants recalled the recent adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol), supplementing the United Nations Convention against Transnational Organized Crime and the need to consider trafficking in light of the provisions of the Protocol. Although most participants welcomed the adoption of the Trafficking Protocol, they also expressed their concern about some of the provisions, in particular those on the protection of the victims of trafficking. Many participants regretted the fact that too often, victims of trafficking continued to be considered and treated like criminals rather than victims.

17. With specific regard to the issue of illegal and legal migrants, all speakers affirmed that the legal status of migrants was irrelevant in relation to the protection to which they were

entitled. An NGO active in the Philippines and supported financially by the Voluntary Trust Fund on Contemporary Forms of Slavery noted that trafficking did not always or necessarily involve a trans-border movement.

18. Another organization based in the United Kingdom shared information on an anti-trafficking programme it had launched in October 2000 aimed at identifying best practices to combat trafficking and at networking and cooperating with other organizations dealing with the same issue. The programme made it possible to ascertain that since the primary victims of trafficking were women and girls, trafficking had a gender-specific phenomenon and human rights violation. While discussing the identification of measures and best practices to combat trafficking, the speaker highlighted certain aspects of the Italian Immigration Act of 1998, which made it possible to offer temporary residence permits and social protection to individuals, to date exclusively women, who were trafficked into Italy. Such a provision enabled those individuals to feel protected and made them more willing to testify against their traffickers. The innovative aspect of this legislation, however, was offset by a lack of awareness and receptiveness of law enforcement officers. A number of speakers commented on the Italian legislation and warned the Working Group of the risk of so-called "legalized trafficking in persons". Other speakers regretted the limited scope of the Italian legislation which gave greater importance to the protection of trafficked persons as witnesses to an offence, rather than as victims.

19. Other speakers stated that the protection granted to victims of trafficking in their capacity as witnesses was a common policy in a number of European Union countries. One of the speakers mentioned the alarming growth of gang rape in the French banlieues and smaller cities. She called for particular attention to be paid to adolescents who were often in the "twilight zone" outside legal and preventive measures. Information was given on the implementation of the Swedish law, passed two years ago, criminalizing the use of the "services" of a prostitute. Despite strong criticism at the time, according to recent findings, 81 per cent of the Swedish population had expressed its satisfaction at the law. As a consequence, more funds were made available to finance programmes aiming at combating violence against women in the country.

20. On the issue of temporary permits granted to trafficked persons, other participants mentioned the examples of the United States of America and the Netherlands, where trafficked persons could be granted residency permits on humanitarian grounds. The speakers noted, however, that legislation in neither country provided a definition of "humanitarian grounds".

21. In that regard, a participant regretted the trend in EU countries to legalize prostitution and trafficking. She mentioned that women trafficked from and within the Schengen zone were granted legal work permits and were no longer considered as victims of trafficking but rather as sex workers.

22. The participants who had actively followed the negotiation process in Vienna for the adoption of the Trafficking Protocol drew attention to the debate that had taken place between countries and groups in favour of the legalization of prostitution and those against. Most of the NGOs at the Working Group had expressed their opposition to legalization as they felt it would lead to the legalization of the exploitation of prostitution and even trafficking in persons.

23. In that regard, Mrs. Warzazi invited the organizations which, on previous occasions, had expressed their concern at some of the provisions of the draft Trafficking Protocol to share with the Working Group their views on the final text of the Protocol.

24. Those organizations recalled that they had been concerned at the definitions of trafficking in the draft protocol, which contradicted core provisions of international human rights instruments. Thanks to the mobilization of more than 140 human rights NGOs, the adopted definition seemed more in line with existing human rights provisions and more protective of victims. Moreover, participants noted that the definition had to be considered in conjunction with the other provisions of the Protocol. They mentioned as a positive element the fact that the burden of proof no longer lay with the trafficked persons and victims were granted protection as victims of, and not as witnesses to, the crime of trafficking. Speakers regretted, however, that the implementation of such provisions was conditioned by limitations on the human and financial resources of the States concerned. Also, according to various speakers, the fact that the Protocol addressed the particular issue of demand in the context of prostitution and trafficking was a positive and innovative element.

25. In the course of the debate, the Special Adviser to the High Commissioner for Human Rights on Trafficking briefly commented on the Trafficking Protocol in light of the High Commissioner's project on trafficking. As regularly mentioned by the High Commissioner, human rights should be at the core of any anti-trafficking strategy. The Special Adviser drew the attention of the participants to the innovative aspects of the Trafficking Protocol, as well as to the companion Protocol against the Smuggling of Migrants. Indeed, for the first time an international binding instrument provided definitions of trafficking and smuggling at the international level. With regard to the provisions on the protection of victims, their relative weakness was due to the fact that the Protocols were not human rights instruments. The Special Adviser mentioned that the High Commissioner was still involved in the aftermath of the adoption process, in particular initiatives taken within the EU.

26. It was noted that the Vienna negotiations had taken a special juridical approach: even though they were legally "optional", the Protocols were also "additional" in the sense that it was impossible to be party to the Protocols without being party to the Convention.

27. Many participants expressed their concern at the frequent use of "sex workers" when referring to persons in prostitution. Some of them regretted that the Special Rapporteur on violence against women herself was following this trend. The use of that terminology removed stigma from the clients, who would feel that they were only paying for sexual "services" rather than exploiting another person. Moreover, the new terminology legitimized the sex industry and the criminal networks involved. Speakers denounced the myth of the voluntary and free "choice" of prostitution as work, insisting that there was no voluntary choice when there were no economic alternatives or social support.

28. The organization Iroko, based in Italy and financed by the Voluntary Trust Fund, submitted information to the Working Group on the phenomenon of prostitution in Italy of foreign girls and women, especially Nigerians, which had started in the 1980s. Later, in the 1990s, most girls knew they were likely to fall into prostitution when they went to Italy, but none of them was aware of what prostitution really involved. According to studies carried out by the

organization, the girls were getting younger and younger and their coercion was reinforced by cultural, social and psychological tools used against them by the traffickers. For example, girls were forced to undergo "juju" rites designed to take advantage of tribal beliefs in order to reinforce their sense of duty to their "benefactors" and instil fear and obedience. The representative of Iroko also shared information on her organization's programmes and activities in favour of victims of trafficking and prostitution. The organization intended to offer economic and social alternatives and stability to women who wished to stay in Italy, and provided assistance to those who wished to return home.

29. Further to information received at its past session, the Working Group was provided with details on the increased number of women brought from Eastern Europe to the United Kingdom for prostitution. Other recent information concerned the smuggling of young women from Thailand into the United Kingdom using false passports. Moreover, an increasing number of women, especially from the Philippines and India, were recruited abroad with false promises of work as nurses. Once they had reached the country, their passports and work permits were confiscated. Without any legal documents, they were more vulnerable to exploitation. Illegal immigration under cover of marriage was another issue of concern for some participants.

30. The particular issue of passport confiscation was discussed at length. Participants noted that employers often confiscated the passports of both legal and illegal migrants. Many speakers said that the practice was almost universal. All participants condemned such arbitrary confiscation, as it reinforced the vulnerability of migrant or trafficked persons. Measures should be taken to prohibit and prevent confiscation of passports by making it a criminal offence. Furthermore, migrants should be offered special protection.

31. One participant submitted information relating to sex trafficking and prostitution into and within the United States which, according to recent studies, was considerable and growing. It was estimated that each year, about 45,000-50,000 women and children were trafficked into the United States, and there were now 500,000 young prostitutes in the country. The trafficked women came from countries with high levels of poverty and unemployment, economic and social instability, gender discrimination and inequality, and corruption and organized criminal networks. The regions and countries of origin cited were South-East Asia, especially China, Thailand and Viet Nam; from Eastern Europe, primarily Russia, Ukraine and the Czech Republic; and Latin America, especially Mexico, Brazil, the Dominican Republic and Honduras. It was noted that many of the women had histories of physical/sexual abuse that preceded their trafficking. Studies showed that the vast majority of women trafficked for prostitution were women of colour and that the death rate for women in prostitution is 40 times the national average. Furthermore, it was noted that the age of entry into prostitution was getting lower, as in the United States the average age was between 13 and 17, with the majority of trafficked girls under 18. The traumatic consequences of trafficking and prostitution were also discussed. The speaker also noted that any legislation would fail if it did not address the organized criminal aspect of trafficking and prostitution and also the issue of demand.

32. The Chairman was also of the view that it was imperative to address the demand aspect.

33. Mrs. Warzazi recalled that she had always condemned prostitution which could never be considered as a professional activity like any other, regardless of whether the woman

"consented". She favoured the criminalization of prostitution being extended to clients, as well as the closure of brothels. The existence of brothels represented de facto support for prostitution and related abuses. Mrs. Warzazi was supported by various participants who insisted that prostitution involved not only the prostitutes and their clients but also very well-organized criminal networks. Many speakers referred to the sex industry and the difficulty of combating it, as related activities involved all sectors of society and huge amounts of money.

34. The issue of the involvement of military personnel and United Nations peacekeeping forces in prostitution networks was mentioned by a number of participants. Other participants also drew attention to the involvement of humanitarian assistance personnel and journalists in the opening of brothels in the countries where they were carrying out their professional duties.

35. As in previous years, updated information on the issue of trafficking in children in central and western Africa was provided to the Working Group. It was stated that despite existing efforts to combat this phenomenon, trafficking in children persisted. The case of The Etireno in April 2001, aboard which about 40 children trafficked to Gabon were found, was cited as a case in point. According to the findings of a 1999 study on trafficking in children in the subregion, 86 per cent of children trafficked to Gabon were girls to be employed as domestic workers; the boys were employed in agriculture. Trafficking of children in the subregion is furthered by factors such as poverty, cultural traditions, a crisis in the education system and, above all, the lack of criminal legislation. The last allows traffickers to benefit from impunity. The countries concerned should therefore amend their legislation to criminalize such offences and allow extraterritorial jurisdiction for crimes of trafficking. Moreover, States should consider ratifying the ILO Worst Forms of Child Labour Convention 1999 (No. 182) and strengthen regional cooperation to combat this practice. In that regard, the regular holding of subregional consultations on the issue under the auspices of UNICEF was mentioned. It was confirmed that both the trans-border and national movement of children would fall under the provisions of article 3 of the Trafficking Protocol.

36. Very much concerned by this particular problem, the Permanent Representative of Gabon, accompanied by a representative of the Ministry of Labour, and a representative of Benin attended the meetings of the Working Group to clarify certain points. Mrs. Warzazi expressed her appreciation to the representatives of both countries for their presence.

37. The representative of Benin shared with the Working Group the press release published on The Etireno case. The Government had opened an investigation in order to ascertain the facts and identify the offenders. According to the preliminary findings, it seemed that 147 persons, including 43 minors, 24 of whom were under 14 years of age, had embarked at Cotonou for Gabon. The children were from Benin, Togo, Mali, Senegal and Guinea. The story of this ship was an example of well-organized sub-regional trafficking in minors for the purpose of economic exploitation. Benin denounced trafficking in persons, especially children, and expressed its readiness to work with all parties concerned to put an end to this phenomenon. The representative of Benin stated that his country had requested international assistance to combat this problem. He also wished to draw attention to the fact that The Etireno event had come right after the elections and political analysts had accused the President of political manoeuvring.

38. The Permanent Representative of Gabon expressed her country's deep concern at a phenomenon over which it had no control. Gabon was a de facto receiving country, not only of trafficked children but of all migration movements in the sub-region. Gabon considered itself a victim of this phenomenon. The Permanent Representative expressed concern at the inaccuracy of the information provided to the Working Group. She recalled that all the information had referred to the traffic in children for the purpose of their exploitation in the agricultural sector in Gabon. However, Gabon was not an agricultural country, and its lack of food autonomy was among its major difficulties and challenges. Gabon has ratified ILO Convention No. 182 and a draft law was being prepared in accordance with the provisions of that Convention. In addition to legislative measures either to be enforced or to be adopted, Gabon was also committed at the regional level to combating this serious problem.

39. A participant submitted to the Working Group the result of his research, supported by UNESCO in New Delhi, on trafficking in children and child prostitution in four of the largest cities in India. The study was also based on the responses to a questionnaire distributed to over 300 street children in the cities concerned: Chennai, Delhi, Kolkata and Mumbai. The study showed that poverty, lack of education and awareness and false promises were among the major factors in trafficking. Poverty and promising false opportunities in big cities were the major reasons why children left their families, voluntarily or at their families' request. A third group of children were said to be taken by force and/or coercion to the cities. The study also established the link between the widespread phenomenon of street children and the increasing number of children trapped in prostitution. Once they had reached the big cities, the children often had to face police harassment which led them to or kept them in criminal activities. The study revealed the existence of extremely well organized criminal groups. Boys were often used for drug trafficking, theft and begging, while girls were forced into prostitution. The health and psychological consequences of the abuses the children were subjected to were terrible: early pregnancy, maternal mortality, sexually transmitted diseases and HIV/AIDS. The speaker mentioned initiatives aimed at rescuing girls from brothels. However, their return to their areas of origin took too much time and when they went back they were often rejected by their communities and families. It is therefore clear that the cornerstones of any preventive policy were information, education and awareness-raising.

40. Also concerning India, another organization submitted information on trafficking in children for prostitution in hotels in the Agra-Delhi-Jaipur region, known as the "golden triangle". The speaker expressed concern at the increase in the demand for younger and younger girls, preferably virgins. The reasons for this were the increased fear of HIV/AIDS and other sexually transmitted diseases, and the growing awareness of adult women about their rights and their demands that customers use condoms and for proper payment. Furthermore, poverty, adult unemployment, lack of education, family problems, son preference and lack of social support also helped traffickers to recruit their victims. Sometimes parents sold their daughter directly to pimps for prostitution; sometimes they gave them up in the belief that they would be given good, well-paid jobs. Prostitution in the "golden triangle" was intimately linked with tourism.

41. The representative of India expressed his regret at the lack of geographical balance in the various testimonies brought before the Working Group. It was his feeling that only some regions - in developing countries exclusively - were mentioned while problems such as child prostitution, child pornography, and trafficking in persons were not confined to the developing

world. With regard to the information provided on his country, he regretted that speakers failed to mention the actions taken by the Government to deal with the problems in question and sometimes even submitted inaccurate information. He recalled that the Suppression of Immoral Traffic in Women and Girls Act had been enacted as long ago as 1956 and amended in 1986 to provide enhanced penalties when children and minors were involved. However, there were other legal measures that dealt with the problems of trafficking and prostitution. Concerned by the low conviction rates for these offences, the Government of India had taken up the matter, inter alia through a sensitization programme. India was also involved in the finalization of the Convention on Trafficking of the South Asian Association for Regional Cooperation (SAARC). With regard to the specific problem of child labour, in addition to legislative measures, the Government of India had launched a number of programmes for the rehabilitation of child labourers. The representative of India recalled the landmark judgement of the Supreme Court in 1996 on child labour. Moreover, the Government was conducting a campaign to have all children in school by the year 2003.

42. Covenant House, an organization active in Central America financed by the Voluntary Trust Fund on Contemporary Forms of Slavery, shared with the Working Group information on the alarming phenomenon of child victims of sexual violence. Younger and younger children were becoming victims of trafficking, trapped into prostitution and pornography. This phenomenon was reinforced by sex tourism. Even though poverty could not, in any way, justify the sexual exploitation of children, it was a factor together with economic disparities, inequitable socio-economical structures, family desintegration, lack of education, rural migration, gender discrimination and harmful traditional practices. The speaker shared the findings of a study on sexual exploitation of children carried out in Nicaragua, Costa Rica and Honduras. A growing number of girls were being trafficked from Nicaragua to Honduras and Costa Rica. Sexual tourism increased the demand for prostitutes. Girls were usually locked up, their passports are confiscated and they usually became drug addicts. Their rehabilitation and reintegration in the society were extremely difficult.

43. While many participants active in the field noted the common grounds of exploitation regardless of the region where it occurred, the Chairman stated that most testimonies and situations described by these organizations confirmed the link between poverty and international debt and slavery-like practices.

44. Some participants noted that the role of the families of the child victims of trafficking was often overshadowed. All awareness-raising and information strategies should also be directed at families which often "gave" their children in good faith, hoping that they would be offered legal, good, well-paid work.

45. The Working Group was given updated information on child camel jockeys in the United Arab Emirates and other Gulf States, including Qatar. According to the information provided, boys were kidnapped, sold by their parents or taken on false pretences from their homes in Pakistan, India and Bangladesh; new reports also made mention of the Sudan. In that regard, the positive measures taken by the Government of Pakistan to help prevent children being trafficked out of the country by improving the documentation procedures were mentioned. The Gulf States were encouraged to enforce their laws and to ratify ILO Convention No. 182.

46. Mrs. Warzazi welcomed the information provided on trafficking in children in West and Central Africa and suggested that it be transmitted to the upcoming Special Session of the General Assembly on children. With regard to the issue of child camel jockeys, she was of the view that no particular country should be stigmatized.

47. During the discussion on trafficking in children, a participant noted that media and general attention were focused on children before they reached puberty which marginalized adolescents, who were often excluded from protection policies and measures. Regarding the media and their approach to trafficking in adults and children, the Working Group was informed of the publication of a guide of good practice to raise the awareness of journalists about their role and the impact they had on the perpetuation of criminal activities such as trafficking. Most speakers were in favour of the media playing a preventive as well as an information role.

48. Mrs. Warzazi recalled that the Working Group had always and regularly insisted on the importance and necessity of information and education in any strategy. She regretted the absence of UNESCO which would have valuable information to share with the Working Group on that issue.

49. The Third World Movement against the Exploitation of Women, active in the Philippines and financed by the Trust Fund on Contemporary Forms of Slavery, submitted information on ship prostitution, more specifically in Batangas port. The representative of the organization regretted that the two girls who were supposed to address the Working Group and share their personal experiences could not be issued with passports as they had no birth certificates. In that regard, some participants noted that it was the States' responsibility to ensure that birth certificates were provided to all persons born in territory under their jurisdiction.

50. The Chairman and Mrs. Warzazi admitted that it was not very surprising that in some countries there were still problems regarding birth registration, especially in remote areas. They noted that birth certificates could be issued only if the persons concerned declared the birth to the competent authorities.

51. The representative of the Philippines stated that even though he also regretted that the two girls could not obtain passports, this was a purely administrative matter which might have been solved if addressed in advance. He stated that his country had an efficient birth registration system, which also offered the option of late registration. He noted that in cases where the birth was not assisted by medical professionals or took place in a public setting, the competent authorities had no way to be informed of the birth except by the family.

52. Ship prostitution is a phenomenon that started in the 1970s in 25 private ports on Batangas Bay and involved very few domestic boats. Today, being an international port the number of boats docking at Batangas every month has dramatically increased. The girls involved in ship prostitution are regularly abused; many of them end up drug and alcohol addicts, pregnant and infected with sexually transmitted diseases and HIV/AIDS. Most of them were brought into prostitution with false promises of jobs as sales girls, waitresses or domestic workers. The Third World Movement believed that ship prostitution, which was connected with corporate globalization, was a contemporary form of slavery. Globalization transformed prostitution into a sex industry. Policies aiming at combating prostitution should address the

causes of prostitution and the demand aspect. The Movement was engaged in a networking process at the international level, especially at the regional level. The organization worked also at the local level by providing assistance to girls in prostitution and to former prostitutes. The need to provide economic alternatives and ensure genuine development of the areas concerned was reaffirmed by various participants.

53. Other participants welcomed the information provided by the Third World Movement on this issue as the Working Group rarely received information on that particular problem.

54. The Working Group received updated information on the deaths of 58 Chinese illegal immigrants in Dover, United Kingdom, in 2000. Subsequent to this tragedy numerous people were apprehended and brought to trial, both in the United Kingdom and abroad.

55. In the course of the general debate on trafficking and prostitution, some participants mentioned the holding of a conference in Yokohama, Japan, on commercial sexual exploitation of children. In that regard, the representative of Japan expressed her delegation's willingness to provide information and details to interested participants.

III. REVIEW OF THE IMPLEMENTATION OF AND FOLLOW-UP TO THE CONVENTIONS ON SLAVERY

A. Status of the conventions

56. For item 4 (a) of its agenda, the Working Group had before it reports on the status of the conventions on slavery (E/CN.4/Sub.2/AC.2/2001/2 and E/CN.4/Sub.2/AC.2/2001/3). As every year, the Working Group also had the list of countries which had not ratified the conventions which the members wished to have distributed as an official background document of the Working Group.

57. Some participants supported that proposal and noted that it would also be extremely useful to have the list of ratifying countries divided by regions. They were also in favour of the preparation of a list of countries which had ratified the conventions but which also had modified their national legislation in accordance with the provisions of the conventions.

58. Other participants drew attention to the difficulty of accessing the Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others (E/CN.4/Sub.2/1996/28/Add.1).

B. Review of information received regarding the implementation of the conventions and programmes of action

59. A participant reminded the Working Group that his organization had engaged in a dialogue with the British authorities on the ratification of the 1949 Convention. He also recalled that at the last session, the representative of the United Kingdom had assured the Working Group of his Government's commitment to combating all trafficking in persons and of the fact that a change in the country's legislation on the subject was under discussion. Despite these promising statements, no positive action had resulted.

IV. REVIEW OF DEVELOPMENTS IN THE FIELD OF CONTEMPORARY FORMS OF SLAVERY AND MEASURES TO PREVENT AND REPRESS ALL CONTEMPORARY FORMS OF SLAVERY, INCLUDING CONSIDERATION OF CORRUPTION AND INTERNATIONAL DEBT AS PROMOTING FACTORS OF CONTEMPORARY FORMS OF SLAVERY

60. The Chairman, supported by Mrs. Warzazi, emphasized the particular importance and relevance of corruption and international debt as promoting factors of contemporary forms of slavery.

61. A participant informed the Working Group of an initiative called Jubilee 2000 led by a group of Christians in the United Kingdom. Jubilee 2000 is a campaign group calling for debt relief for the Heavily Indebted Poor Countries (HIPC). He was pleased to report the decision of the British Government to renounce its right to repayment of the debt of 41 most indebted countries. Selected countries were encouraged to use the funds for poverty alleviation.

62. On the specific issue of external debt, Mr. Alfonso Martinez noted that from a conceptual perspective, external debt was a clear manifestation of slavery. External debt was not only a financial burden but entailed loss of sovereignty. He drew the attention of the participants to the fact that the vast majority of indebted countries could not pay their debts. Consequently, the elimination of the debt became an impossibility. Moreover, he wondered on what basis had the 41 exempted countries been selected; this positive development should not be limited to a list of arbitrarily selected countries.

63. One speaker gave an account of his organization's recent visit to the Sudan, where slavery remained a reality and where abducted persons still awaited release. According to the available information, the victims came mostly from north Bahr El Ghazal (southern Sudan) and belonged to the Dinka ethnic group; the raiders came from northern Sudan. The visit aimed at assessing the impact of the work of the Committee for the Eradication of Abduction of Women and Children (CEAWC), established in 1999 and attached to the Ministry of Justice. It was observed that while CEAWC had secured the release of some abducted women and children, progress had been slow. However, the slow pace of people being returned to their homes was partly explained by a flare-up in fighting between the Sudan People's Liberation Army and government forces in the Aweil area in June 2000. The speaker regretted that CEAWC had not pursued its mandate by prosecutions. This inaction was encouraging more abductions and the Government was not taking any preventive measures. It was therefore essential that abductions and related practices be recognized as illegal practices and the abductors prosecuted.
Mr. van Hoof raised some questions regarding the mission report prepared by the organization which had visited Sudan. He was informed that the recommendations had been transmitted to the Government of the Sudan but that the report remained "on hold" in order to encourage dialogue with the Sudanese authorities.

64. The representative of the Sudan recalled that the particular issue of abduction of women and children had been dealt with and considered at length by various United Nations intergovernmental bodies, such as the General Assembly and the Commission on Human Rights.

It had been asserted that the problem was exclusively one of abduction and was not slavery. The Sudan condemned slavery, which was a criminal offence punishable under the law. The representative referred to an organization which had never hidden its animosity towards his country and which had had its consultative status removed. While the Sudan admitted the occurrence of cases of abduction, which was an old phenomenon involving tribes from southern and central Sudan, it challenged the figures put forward by foreign organizations and media. The representative also referred to the work undertaken by the CEAWC and the financial constraints it faced.

65. The Working Group was given some up-to-date information on the forced labour situation in Brazil. As mentioned at previous sessions, the Government of Brazil had amended the provisions of the Penal Code so as to increase the penalties incurred by anyone using or involved in the use (recruitment, transportation) of forced labourers. Despite this, and the establishment of a special mobile inspection unit responsible for enforcing the law, the use of forced labour at some agricultural estates remained a serious problem. The special unit was successful in rescuing a number of forced labourers in 1999, 2000 and the beginning of 2001, but it could do more if given the appropriate resources and support from the regional authorities. The unit should be able to impose fines on landowners using forced labourers and have the authority to collect them. Moreover, all those using forced labour should be prosecuted. The effective implementation of these deterrent measures would end the cycle of impunity and decrease the use of forced labourers. The only detailed information regarding prosecutions for the use of forced labour was from the federal judicial district of Marabá. Between 1980 and 1998, 90 cases involving the use of slave labour were denounced in Marabá, but indictments were only brought in 14 cases, and only one of these cases resulted in a prison sentence.

A. Economic exploitation

1. Bonded labour and debt bondage

66. The Working Group received information on bonded labour in Nepal. Among the speakers, two were financed by the Voluntary Trust Fund on Contemporary Forms of Slavery.

67. One of the speakers shared his experience as a former bonded labourer. A member of the Tharu community, his father took a loan from his landlord in order to finance his school fees. As his father was unable to repay the loan, at 16 he was forced to go to work. He never got paid for his work as the landlord deducted the debt from his salary. Thanks to the studies he was able to undertake before he was forced to work, the speaker was aware of his rights and was able to leave the landlord. With other bonded labourers, he organized a protest strike. Those who took part in the strike were threatened and physically assaulted and, if they had been successful in increasing wages, many were still in bondage. Despite the official freeing of all bonded labourers by the Government in July 2000, bonded labour was still prevalent. In order to effectively enjoy freedom, it was essential that the Government secure the appropriate economic, financial, social and legal conditions. In that regard, he mentioned the need for new land reform and for an Agricultural Labour Act to follow up on the measure taken by the Government in 2000. Moreover, racism and ethnic discrimination had to be properly and effectively addressed.

68. Another speaker gave some details on the history of the Tharu community in Nepal. The Tharus were an indigenous group from the Terai region of southern Nepal. With the opening of the Terai region to new settlers, the Tharus lost their lands and became marginalized, therefore more vulnerable to exploitation. The organization Backward Society Education (BASE), committed to the development of poor and exploited Tharus, is focusing on education and information. The classes are making Tharus more aware of their rights and empowered to fight against bondage.

69. Other information was provided on the bonded labourers maintained under the Kamayia system after they were officially freed by the Government in July 2000. It was to be noted that the Government's decision was neither translated into legislation nor supported by adequate measures. Therefore, half of the freed bonded labourers are living in extremely difficult conditions while the other half are back under the Kamayia system. It was urgent and essential that freed families be provided with means of living, employment and educational opportunities for their children.

70. Mrs. Warzazi recalled that the Working Group, basing itself on various testimonies, had always emphasized the need to offer alternative proposals when so-called "miraculous" measures were taken. These alternatives could be financed by those who used and abused the bondage system. She was supported by certain participants who insisted on the need to reintegrate former bonded labourers as workers.

71. The Chairman reminded the Working Group of the testimonies of former bonded labourers who did not consider themselves victims of bondage but rather as producers of the wealth of their country. When freed, they requested the right to continue working in a sector they were familiar with, but under appropriate financial and working conditions (see E/CN.4/Sub.2/2000/23, para. 27).

72. The Working Group was provided with updated information on debt bondage among agricultural labourers and sharecroppers in Pakistan. The information resulted from a survey carried out for the Asian Development Bank on debt bondage in Sindh province and published in October 2000. The survey confirmed the large number of bonded agricultural labourers (haris) and sharecroppers maintained in bondage by powerful landlords (zamindars). It was established that most haris were Muslims and therefore less vulnerable to zamindars than the Hindus. However, all of them had to borrow money from the landlord in order to meet the costs of cultivation. The survey also revealed that landlords were resorting to migrant labourers with the assistance of intermediaries. These agents were given an advance, part of which was given to the labourers who became bonded. The political control exercised by the landlords in Sindh province was such that the legal safeguards - the Sindh Tenancy Act (1950) and the Bonded Labour System Abolition Act (1992) - were scarcely applied. Since the publication of the report, the Government of Pakistan had published, in January 2001, a "Draft National Policy and Plan of Action for the Abolition of Bonded Labour and Rehabilitation of Freed Bonded Labourers". Despite a number of weaknesses, some participants welcomed the Plan of Action. The Plan provided for a country-wide survey, strict implementation of the law, activation of the Vigilance

Committees, the involvement of social partners and the distribution of land to freed labourers. However, the Plan did not provide for the prosecution of those who used and kept bonded labourers.

73. The representative of Pakistan regretted that the information provided did not take sufficient account of the affirmative actions taken by the Government. She recalled that Pakistan was constitutionally committed to fighting bonded labour. The Government had erased the debts of bonded labourers and Vigilance Committees had been reorganized to be more effective and target-oriented. The Government was committed to enforcing the Bonded Labour Abolition Act which provided for the imprisonment of offenders.

2. Child labour

74. The Working Group was informed by speakers subsidized by the Voluntary Trust Fund of a specific manifestation of the problem of child labour in Togo, known as portefaix. The portefaix are young mothers or girls from rural areas who migrated to Lome to seek jobs. Some of them were able to find dilapidated houses in which to live and for which they had to pay rent, while a vast majority lived in the street in total insecurity. The portefaix carried very heavy burdens in markets, railway and bus stations, and in the street. They were badly paid and depended on the number of clients they could carry for. These girls were exposed to many dangers, ranging from health problems, sexual exploitation to economic exploitation. They lived on the margins of the society in very difficult conditions. The International Catholic Child Bureau (BICE) was working on education for the portefaix and protection of their rights. BICE was also engaged in raising public awareness on this issue. It recommended the effective prohibition of child labour, the integration of the portefaix in the professional world with better working conditions and the socio-economic development of the regions that the portefaix came from. The speaker mentioned the good will and the cooperation demonstrated by the Government of Togo in assisting BICE with its work on this particular problem.

B. Sexual exploitation

75. The Working Group heard a testimony from South Africa about the entry into prostitution of a young girl called Maggie. After the divorce of her parents when she was 14 years old, Maggie became emotionally fragile. She ended up taking care of herself alone. She started using drugs and when she needed money to support her habit she entered into prostitution. Maggie died at 19 years of age trying to escape the drug dealer to whom she owed money.

76. The attention of the Working Group was drawn to the dangers of Internet chat rooms and the particular vulnerability of girls. A recent survey in 16 countries showed that up to 70 per cent of Internet users under the age of 24 regularly used chat rooms. Girls were twice as likely as boys to have received unwanted messages of a sexual nature or repeated requests for meetings. The speaker gave details on the recent case of a man who befriended a girl through the Internet and, after having obtained her email address, publicized it with an invitation to rape and abuse her. The man was sentenced to jail for more than seven years. Some participants

were campaigning in their countries for child safety by, inter alia, ensuring that registered sex offenders cannot have access to children's Web sites. In the United Kingdom, various options were being considered to provide children with safe cyberspace.

77. A participant informed the Working Group about an art exhibition in the United Kingdom which included several photographs of naked children that could be construed as sexually exploitative. Even though the pictures were taken in a family context, the speaker believed that photographs which could have a sexual nature should not be made public and should remain within the family. Other participants were of the opinion that pornography involved both sexual and physical violation of the victims and was detrimental to all involved, victims as well as consumers.

78. The phenomenon of women, in particular from Russia, offering themselves over the Internet as mail-order brides was mentioned by several participants. All gave examples of such women abused by their new "husband", who sometimes even used them for pornographic purposes and prostitution. Men involved in such cases were rarely prosecuted.

79. In this context, the Working Group held a debate on the contradictory imperatives of the protection of the right to freedom of expression and the protection of children and adults against sexual abuse.

80. Mrs. Warzazi expressed the view that the Working Group should adopt stronger recommendations on the damaging effects of the Internet. She believed that the right to freedom of opinion and expression should not justify the abuses committed. She was supported in that regard by participants who mentioned the case of the "Yahoo" Internet company which, though based in the United States, was sued in a French court for disseminating racial hatred. The French judge said that Yahoo had to prevent French users from accessing material that was illegal in France. Participants, including Mr. Alfonso Martinez, felt that sexual crimes should be similarly prohibited. Speakers also noted that Internet companies were seldom prosecuted for sexual material on their sites that constituted offences or crimes because of the important financial and economic interests involved. The same should also apply for sexual crimes.

81. Mr. Alfonso Martinez was of the opinion that freedom of opinion and expression could not be set as a supreme human rights principle. This right should be limited by the need to protect people against violence, attacks against their physical integrity and the violation of their rights.

C. Other forms of exploitation

1. Trafficking in human organs and tissues

82. Mrs. Warzazi raised the serious issue of the killing of children for the use of their body, including for Satanic rituals. Information on the matter should be transmitted to the Secretary-General of the United Nations for his information and to UNICEF for investigation.

83. The case of an adoption agency in the Indian State of Andhra Pradesh that was trafficking in organs was mentioned. Mutilated bodies had been found of children under five whose parents believed that they were being adopted abroad. Investigations had established that the agency was linked with an international network involved in trafficking in organs. The case is still under investigation.

84. The Chairman noted the possible collusion and complicity of medical personnel in certain cases.

2. Other

85. Participants expressed their satisfaction at the reintroduction every two years in the agenda of the Working Group of the issue of incest. The Working Group was the appropriate forum to discuss this violation as incest was a contemporary form of slavery, despite the dissenting opinion expressed by former members of the Working Group. The Working Group heard the story of a woman victim of incest. It was noted that, regrettably, in cases of abuse the best interests of the child were seldom taken into consideration.

86. With regard to the opinion expressed by a former member of the Working Group on the question, a participant drew attention to the study on slavery prepared by Professor David Weissbrodt and Anti-Slavery International in which it was stated that the question whether incest was a contemporary form of slavery would need further scrutiny.

87. The Working Group also heard testimonies on cases of forced marriages. In that regard, the Working Group decided to examine, as a matter of priority, at its twenty-eighth session (2003) the issue of contemporary forms of slavery related to and generated by discrimination, in particular gender discrimination. Attention would be focused on abuses against women and girls, such as forced marriages, early marriages and sale of wives.

V. ACTIVITIES OF THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN

88. The National Council of Women of Great Britain informed the Working Group that it had just been granted consultative status. The Council also informed the Working Group about its activities for the enforcement of the law criminalizing female genital mutilation (FGM) in the United Kingdom, as well as for the promotion and protection of women's rights. The Council had also been campaigning against alcohol-related violence in the family.

89. With regard to FGM, Mrs. Warzazi, who is also Special Rapporteur on harmful traditional practices affecting the health of women and girls, gave an overview of the issue of FGM and how it had been dealt with by the United Nations. She said that she had always favoured dialogue with the parties concerned and cautioned the National Council of Women on the dangers of confrontation. As she had stated in her reports, criminalization of FGM and prosecution of the persons involved should be a last resort. Efforts should be directed at education, information and awareness-raising without stigmatizing any culture, and with respect for others' beliefs. In the resolutions on her mandate, the Sub-Commission had called for

regional seminars on traditional practices to be held. Mrs. Warzazi insisted on the importance of such events, in particular in Europe. She was supported by Mr. Alfonso Martinez. Other participants welcomed the possible holding of a regional seminar in Europe on the issue of traditional practices.

90. The representative of the Republic of Korea commended the work of the Special Rapporteur on violence against women. He noted that despite the commitment of the Government of Japan to raise awareness about the issue of the so-called "comfort women", as reflected in the Special Rapporteur's 1998 report, in 2001, the Special Rapporteur pointed out that the Government had made no attempt to implement her recommendations or to accept its legal responsibility. The representative criticized the change in Japanese history books and the distortions of the issue of comfort women in the new books. The Japanese Government was asked to review the books in order to reflect historical events accurately.

91. The representative of the Democratic People's Republic of Korea referred to the same issue and requested the Government of Japan to halt this distortion of reality and to acknowledge its responsibility.

92. In response, the representative of Japan stated that his country had fulfilled its obligations in accordance with the San Francisco Peace Treaty, bilateral treaties and relevant instruments of international law. In addition to the legal settlement of the issue, with the Republic of Korea for example, Japan was aware of the need to acknowledge the damage caused to all concerned and had publicly expressed regrets and apologies. Also, as part of its moral responsibility, Japan had supported the activities of the Asian Women's Fund, which was established in 1995 to provide each former "comfort woman" with financial reparation and a letter of apology. The Fund also implemented, among other activities, medical and welfare support projects for these women. The representative of Japan also referred to the issue of the history books and gave details on the procedure for the publication and inclusion of such books in the curricula. He stated that the Government had no control over the books which were under the responsibility of the authors in line with the curriculum guidelines. Changes could only be made in very limited and specific cases, in accordance with the Constitution of Japan. The requests made by the Governments of the Republic of Korea and of China to review some history textbooks for junior high schools in Japan were under serious consideration. Japan would like to reach a solution satisfactory to all parties. However, Japan believed that the Working Group was not an appropriate forum to discuss and resolve this issue.

93. While the representative of the Republic of Korea insisted on the importance of Japan recognizing its responsibility and reflecting this in its history books, the representative of the Democratic Republic of Korea objected to a solution which involved the Asian Women's Fund which was financed by private contributions. The representative of China emphasized the legal and moral importance of history textbooks reflecting historical events without distortions.

94. The issue of post-traumatic stress disorders still suffered by persons under the Japanese occupation was discussed. The attention of the Working Group was drawn to the fact that

several Western countries, including Australia, Canada, the Netherlands, New Zealand and the United Kingdom, had decided to make ex gratia payments to their nationals who had suffered under the Japanese occupation.

95. Most of the speakers were of the opinion that it was essential for the Working Group to remain seized of this issue.

96. Mrs. Warzazi stated that the Working Group had done its best to reach a solution satisfactory to all parties concerned. The Working Group had therefore fulfilled its mandate and would not deal with any further matter arising from this issue.

97. The Chairman also expressed the strong disagreement of the members of the Working Group to continued discussion of this matter.

VI. ACTIVITIES OF THE UNITED NATIONS VOLUNTARY TRUST FUND ON CONTEMPORARY FORMS OF SLAVERY

98. For its consideration of the situation of the Fund, the Working Group had before it the last reports of the Secretary-General to the General Assembly (A/55/204) and to the Commission on Human Rights (E/CN.4/2001/82) on the fifth session of the Fund's Board of Trustees held in February 2000, and E/CN.4/2001/82/Add.1 on its sixth session in January 2001. As no Board member was able to attend the session this year, the Working Group asked the Secretary of the Board and Fund to introduce the documentation, the beneficiaries of travel grants attending the session and the financial situation of the Fund.

99. The recommendations adopted by the Board at its sixth session, in conformity with the mandate of the Fund, aimed at providing financial assistance to representatives of local NGOs dealing with issues of contemporary forms of slavery and individuals whose human rights had been severely violated as a result of contemporary forms of slavery to enable them to attend the session. According to the selection criteria approved by the General Assembly and the Sub-Commission, the beneficiaries had to be from different regions, would not have been able to attend the session of the Working Group without the assistance provided by the Fund, and would be able to contribute to a deeper knowledge on the part of the Working Group of the problems relating to contemporary forms of slavery. They were provided with airline tickets and daily subsistence allowances to enable them to participate for three days in the deliberations of the Working Group. The Board took particularly into consideration that the Working Group had decided at its twenty-fifth session to examine as a matter of priority at its present session the issue of trafficking in persons, with the active participation of NGOs and victims of trafficking, in preparation for the proposed United Nations year against trafficking in persons. The Board also took into consideration in its selection that the Group had decided to keep under consideration at its twenty-sixth session the question of debt bondage, the role of corruption in the perpetuation of slavery and slavery-like practices, problems affecting migrant workers, the protection of child labourers, forced labour, trafficking in human organs and tissues, forced marriages, ways to combat sexual abuse of children inside the family, and the urgent need for adequate help to be offered to victims of such practices.

100. Thanks to the contributions received from Bahrain, Brazil, Cyprus, Japan, the Netherlands, Poland and South Africa, American and Japanese associations and an increasing number of individuals, including Mrs. Warzazi and well-known Italian painters (see E/CN.4/2001/82/Add.1, annex I), and on the basis of the recommendations made by the Board at its sixth session, the High Commissioner, on behalf of the Secretary-General, had approved US$ 25,715 for travel grants. The list of travel grants indicating the names of the representatives and organizations as well as the theme to be discussed at the Working Group is available in the last report of the Secretary-General to the Commission on Human Rights (ibid., annex III). All travel grants were released before the present session of the Working Group. The following representatives of NGOs participated in the deliberations of the Working Group: Ms. Ana Salvado (on behalf of Casa Alianza - Covenant House Latin America, Costa Rica, on the situation in Central America of victims of sex tourism, action taken as a result of the visit to Guatemala of the Special Rapporteur on the sale of children, child prostitution and child pornography and illegal trafficking of babies); Ms. Manimala Sinha (on behalf of Jan Kala Sahitya Manch Sanstha, an action group for education, health development and social mobilization in Jaipur, India, on activities to rescue and rehabilitate girl children from sex trafficking); Ms. Esohe Aghatise (on behalf of Associazione Iroko in Torino, Italy, on cultural, social and psychological aspects of the trafficking of Nigerian girls for prostitution); Mr. Pramod Kaphley (on behalf of the Group for International Solidarity in Kathmandu, Nepal, on solutions to bonded labour); Mr. Ek Raj Chaudhary (on behalf of Backward Society Education in Dang, Nepal, who gave testimony as a former bonded labourer on measures taken to abolish bonded labour); Ms. Mary Soledad Perpinan and Ms. Lolly Untalan (on behalf of the Third World Movement against the Exploitation of Women, in Quezon City, Philippines, who had replaced the three selected candidates who were not able to attend, and who reported on assistance to victims of the sex trade and provided testimonies of victims of sex trafficking for prostitution on board ships and in a slum area); and Ms. Akoko Victoire Lawson (on behalf of the branch in Togo of the International Catholic Child Bureau (BICE), who spoke on activities in support of street porters). Three representatives of other NGOs were not able attend the session.

101. The Working Group welcomed the testimonies and presentations made by these representatives of local organizations, who contributed to a deeper knowledge on the part of the Working Group of the problems relating to contemporary forms of slavery.

102. The Secretary of the Fund indicated that new contributions had been paid by Brazil (US$ 10,000), Burkina Faso (US$ 1,369) and the Holy See (US$ 1,000), Ms. Karen Parker, on behalf of the Association of Humanitarian Lawyers (US$ 500), and the schoolchildren and teachers of the Istituto Tecnico Commerciale Oscar Romero in Albino, Italy (US$ 596). During the session of the Working Group, a cheque for £2,000 was given to the Fund on behalf of the pupils of the Archway School in the United Kingdom, as part of a programme called "Schools Together and Action for Children Campaign". It was underlined that both British and Italian students had become regular donors to the Fund, confirming growing popular support for the Fund. However, the attention of the Working Group and Governments was drawn by various participants to the recommendation of the Board according to which the Fund would need US$ 400,000 in new contributions before the end of 2001 in order for the Fund and Board to be able to recommend to the Secretary-General new grants in 2002.

RECOMMENDATIONS ADOPTED AT THE TWENTY-SIXTH SESSION

A. General considerations

132. The Working Group on Contemporary Forms of Slavery considers that slavery, in its various forms and practices, is a crime against humanity and that any acquiescence by a State in such practices, irrespective of whether it has acceded to the conventions on slavery or any other relevant conventions, is a violation of basic human rights.

133. A review of the information provided to the Working Group showed that despite some progress made in the protection of human rights and the preservation of human dignity all over the world, various forms of slavery still existed and new insidious forms of slavery were emerging. The Working Group considered as a matter of priority the questions of trafficking in persons, in particular women and children, illegal migration, smuggling and prostitution. It also considered bonded labour and debt bondage, child labour, sexual exploitation, especially of children, incest, the status of the conventions, and the activities of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery.

134. The Working Group welcomed the increased participation of non-governmental organizations in its session, in particular thanks to the funding of the Voluntary Trust Fund, and expressed appreciation for their valuable contributions to its work. The Working Group regretted that, due to various concomitant meetings, government representatives were not as numerous as in past years. However, it wished to express its gratitude to all those who had attended and made the effort to follow the debate and answered queries from the members of the Group. The Working Group deeply regretted the recurrent absence of representatives of, in particular, UNESCO, UNICEF, ILO, WHO and INTERPOL, as well as the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on violence against women. In that regard, it strongly reiterated the need for them to attend its future sessions.

135. The Working Group congratulated all participants on the fruitful dialogue, the spirit of cooperation they had demonstrated and the positive atmosphere in which the deliberations had been conducted, and expressed the hope that this general attitude would continue in the future so as to fully develop the Working Group's potential to foster international cooperation in the consideration of these matters.

B. Recommendations

136. The following recommendations were adopted by the Working Group at its twenty-sixth session.

1. General

The Working Group on Contemporary Forms of Slavery,

Having devoted its twenty-fifth session to an overall evaluation of various contemporary forms of slavery,

Reaffirming that every woman, man and child has a fundamental right to be free from all forms of slavery and servitude,

Concerned that the treaties forbidding slavery and slavery-like practices have not been universally ratified,

1. *Expresses its gratitude* to all participants for information relating to all forms of exploitation;

2. *Considers* that poverty, ignorance, and discrimination in all its forms are the main causes of contemporary forms of slavery and urges the specialized agencies of the United Nations to give particular attention to poverty and discrimination as factors leading to or perpetuating slavery and slavery-like practices and to include in their technical assistance programmes activities designed to eliminate slavery and slavery-like practices, as well as their causes;

3. *Also considers* that it is necessary for all the specialized agencies dealing with certain forms of contemporary forms of slavery to cooperate and coordinate their activities with the Working Group in seeking an integrated approach to the various problems in the fields of slavery and the slave trade, including slavery-like practices in all their manifestations;

4. *Further considers* that effective measures should be taken to assist in protecting the rights of those suffering from contemporary forms of slavery by drawing upon the expertise of, and improving coordination and cooperation between, various United Nations organs and bodies and the bodies monitoring legal instruments dealing, directly or indirectly, with issues relating to contemporary forms of slavery;

5. *Welcomes* the important role that non-governmental organizations play in raising the awareness of the public at the national and international levels as to the grave consequences of contemporary forms of slavery for women, men and children;

6. *Also welcomes* the comprehensive updated review of the implementation and follow-up to the conventions on slavery (E/CN.4/Sub.2/2000/3 and Add.1);

7. *Recommends* that all States which are not parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others of 1949, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights be called upon to become parties as soon as possible and to enact any legislation necessary to ensure that their laws conform to the terms of those treaties;

8. *Requests* the Secretary-General to submit to the Working Group, in addition to the list of countries which have ratified the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, a list of countries which have not yet ratified these instruments;

9. *Expresses the hope* that the Working Group will receive cooperation from all States, particularly the States most concerned, with regard to the annual issue selected by the Working Group, and invites non-governmental and intergovernmental organizations to provide information and testimonies with regard to the particular issue selected for consideration at the annual session of the Working Group;

10. *Once again requests* the Secretary-General to invite news agencies, the press, television and radio to contribute to the rapid elimination of slavery in all its contemporary forms by ensuring wide and effective publicity about existing cases of slavery, the slave trade, other slavery-like practices, trafficking in persons and exploitation of the prostitution of others, as well as the activities of the Working Group on Contemporary Forms of Slavery in this field, and also requests that a similar campaign of awareness be promoted by the Department of Public Information of the Secretariat and reported on at the twenty-seventh session of the Working Group.

2. Traffic in persons and exploitation of the prostitution of others

The Working Group on Contemporary Forms of Slavery,

Taking note of the report of the Special Rapporteur on violence against women, its causes and consequences which addresses trafficking in women and girls in connection with her country visits to Bangladesh, Nepal and India, (E/CN.4/2001/73/Add.2),

Concerned that the definition of trafficking used in the report is in direct conflict with the principles of the 1949 Convention on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others and the definition of trafficking in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,

Concerned also that the use of the term "sex work" throughout this report, a term that has no precedent in international human rights instruments, could legitimize and normalize the exploitation of the prostitution of others,

Recognizing that international sex trafficking and prostitution at the national level are interconnected parts of the global sex industry and must be addressed together,

Aware that the legalization of prostitution fosters sex tourism and sex trafficking,

Urges States to ensure that their national laws and policies do not promote the legalization of prostitution,

Reaffirming that prostitution is a practice that is incompatible with the dignity and worth of the human person and constitutes a source of serious violations of human rights,

Concerned that some individuals and organizations call for the recognition of prostitution as a meaningful choice of legitimate work,

Convinced that prostitution reflects the victims' lack of alternatives and can never be considered legitimate work,

Acknowledging the adoption by the General Assembly of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,

Noting with satisfaction that the definition of trafficking in persons used in the Protocol is not restricted to situations of force, fraud, or deception but also covers "the abuse of power or of a position of vulnerability" and, consistent with the principles of the 1949 Convention, specifies that the "consent of a victim of trafficking in persons ... shall be irrelevant" where any of these means have been used,

Noting also that article 9, paragraph.5, of the Protocol requires States parties to "adopt or strengthen legislative or other measures ... to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking,"

Convinced that the demand for sexual exploitation plays a critical role in the growth and expansion of the global sex industry,

Noting with interest the successful implementation of the law promulgated by the Government of Sweden related to the enforcement of the law against the purchase of sexual services,

Concerned that instead of raising awareness about the harm of trafficking in persons for the purpose of sexual exploitation and the exploitation of the prostitution of others, the media too often promote and legitimize the sex industry through, *inter alia*, sensationalistic coverage of incidents of sexual exploitation and the use of images that glamorize prostitution,

Aware that the Protocol to Prevent, Suppress and Punish Trafficking covers only criminal activities that are transnational and carried out by at least three persons, while the three conventions on slavery and slavery-like practices of 1926, 1956 and 1949 are far more inclusive but have no monitoring and enforcement mechanisms,

Convinced that such monitoring and enforcement mechanisms are essential to strengthen Governments' responses to slavery, servitude, trafficking in persons, and the exploitation of the prostitution of others,

Recalling the Programme of Action on the Traffic in Persons and the Exploitation of the Prostitution of Others (E/CN.4/Sub.2/1995/28/Add.1) approved by the Commission on Human Rights in its resolution 1996/61,

Deeply concerned at reports that traffic in persons and prostitution increasingly target victims on the basis of their race, colour and ethnic origin,

Aware that sex traffickers, sex tour operators, mail-order bride agencies and brothel owners promote and pander to racist stereotypes of the women and children they exploit,

Convinced that trafficking in persons and exploitation of the prostitution of others reflect and reinforce racial prejudice and discrimination in contravention of the fundamental principles of the International Convention on the Elimination of All Forms of Racial Discrimination,

1. *Urges* States to ensure that their policies and laws do not legitimize prostitution as the victims' choice of work;

2. *Urges* Governments to take serious note that it is the existence of the demand for the sexual exploitation of women and children that perpetuates prostitution, and to take effective measures to punish those who purchase the sexual services of others;

3. *Calls upon* Governments to provide protection and assistance to victims that are based on humanitarian considerations and not contingent on their cooperation with the prosecution of their exploiters, as articulated in articles 6, 7 and 8 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

4. *Urges* States to initiate community-based prevention programmes, especially in high-risk areas, to educate people on the tactics of recruiters and traffickers and on the risks of sexual exploitation;

5. *Expresses its conviction* that the adoption of a resolution by the General Assembly for the elaboration of an additional protocol to the three conventions on slavery and slavery-like practices would strengthen the effectiveness of these conventions through an efficient mechanism;

6. *Recommends* the creation of special observatories at the national and regional levels to gather information from non-governmental organizations and individuals with relevant expertise in order to further the goals of the Programme of Action on the Traffic in Persons and the Exploitation of the Prostitution of Others (E/CN.4/Sub.2/1995/28/Add.1);

7. *Urges* Governments which have not yet done so to ratify the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, International Labour Organization Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and the Convention on the Elimination of All Forms of Discrimination against Women;

8. *Calls upon* United Nations human rights bodies to focus on situations of human rights violations related to trafficking in persons and victims of prostitution, in accordance with the Convention on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949;

9. *Invites* the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Human Rights Committee to elaborate general recommendations in order to clarify reporting procedures with regard to victims of trafficking, in particular for purposes of prostitution and exploitation of the prostitution of others, as provided in the 1949 Convention;

10. *Recommends* that the issue of trafficking in persons, prostitution and related practices of sexual exploitation be considered during the preparatory process of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and at the World Conference itself, which will be held in South Africa in 2001, and makes strong recommendation to Governments to prevent and sanction such violations as well as to provide services, support and restitution to victims.

3. United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

The Working Group on Contemporary Forms of Slavery,

Recalling General Assembly resolution 46/122 of 17 December 1991, by which the Assembly established the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery,

Recalling also that the Trust Fund was established to assist representatives of non-governmental organizations to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery,

Recalling further the close relationship between the mandate and the activities of the Working Group and those of the Board of Trustees of the Trust Fund, and the necessary cooperation between them,

1. *Expresses its gratitude* to Governments, organizations, trade unions and individuals, including young students, who have contributed to the Fund and encourages them to continue doing so;

2. *Expresses its appreciation* for the participation at the twenty-sixth session of the Working Group of eight representatives of non-governmental organizations financed by the Fund, including victims of contemporary forms of slavery, and for their valuable contribution to the work of the Working Group;

3. *Invites* the Board of Trustees of the Voluntary Fund to promote the participation at the annual sessions of the Working Group of individuals and organizations from as large a number of countries as possible, in accordance with the priorities established in the agenda of the Working Group;

4. *Notes with satisfaction* that 18 project grants were paid by the Fund to local non-governmental organizations which work on issues of contemporary forms of slavery;

5. *Expresses its support* for the work of the members of the Board of Trustees of the Fund, in particular their fund-raising activities;

6. *Recalls* the appeal made by the General Assembly in its resolution 46/122 to all Governments to respond favourably to requests for contributions to the Fund, and urges them and non-governmental organizations, other private or public entities and individuals to contribute to the Fund and encourages them to do so in order to enable the Fund to fulfil its mandate effectively in the year 2002;

7. *Decides* to continue to examine the situation and the activities of the Trust Fund at its twenty-seventh session.

4. Bonded labour and debt bondage

The Working Group on Contemporary Forms of Slavery,

Recalling article 4 of the Universal Declaration of Human Rights, which proclaims that no one shall be held in slavery or servitude, and the provisions of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, of 1956, in particular its article 1 (a) prohibiting debt bondage,

Welcoming the efforts of Member States to combat debt bondage by adopting laws prohibiting debt bondage and by establishing procedures to investigate individual and other reports of debt bondage and to free those involved,

Noting with concern, however, that, despite efforts made, freed bonded labourers are often left without any means of support and close to starvation, in many cases for long periods,

Bearing in mind the obligation of States not only to declare that systems of bonded labour or slave labour are illegal and will be abolished, but also to protect the victims from further harassment or harm, notably by ensuring their reintegration into society and providing those who are destitute with the material means to sustain themselves and their families,

Concerned at information according to which in certain countries, more than one million agricultural bonded labourers are still held in bondage and that perpetrators continue to exploit them with impunity,

Bearing in mind that corruption and the close social, economic and political links existing between employers of bonded labour and government officials at local level may be responsible for the perpetuation of this abhorrent practice,

Emphasizing the importance of accurate statistics and other relevant information about debt bondage being collected by States where cases of debt bondage are reported, in particular in order to ensure that remedial steps are taken which are commensurate with the scale of the problem,

Convinced that basic education for all is a key condition for enabling bonded labourers to escape from servitude and that the provision of compulsory primary education for all, especially in rural areas, will reduce the number of bonded labourers,

Recalling the *Programme of Action against Child Bondage* prepared by the International Labour Office in collaboration with the then Centre for Human Rights of the United Nations (ISBN 92-2-108730), adopted in 1992, which specifies a range of measures which States can take against bonded labour and child bondage, including actions at the level of government policy formation, legislation, law enforcement, education, training, rehabilitation, community mobilization and raising public awareness about the unacceptability of child bondage,

Recalling also International Labour Organization Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, article 3 (a) of which explicitly prohibits the practice of bonded labour concerning any child or young person under the age of 18,

1. *Urges* States which have not yet done so to introduce comprehensive legislation to prohibit bonded labour in all its forms, as a matter of urgency, including provisions for the punishment of any future employers of bonded labourers; this legislation should include measures of compensation for having been subjected to bonded labour and debt bondage, rehabilitation assistance including, at a minimum and where applicable, the grant of enough land to sustain a single family throughout the year, and legal provisions to protect their ownership and occupation of such land;

2. *Strongly recommends* that States which have adopted laws against debt bondage or bonded labour and in which cases of debt bondage continue to be reported ensure the effectiveness of the rule of law and fully apply legal and judicial procedures ensuring the prosecution and punishment of those involved in reducing men, women or children to bondage;

3. *Considers* it necessary that the implementation of national programmes of action which will prevent the recurrence of bonded labour, including measures to end discrimination, ensure progressive land reform and enforce national minimum wages;

4. *Urges* the Governments concerned to carry out independent and comprehensive surveys, at the local level, to identify the number and location of people held in debt bondage; these surveys should provide a statistical breakdown of the number of men, women and children in bonded labour, including their membership of a minority group;

5. *Recommends* that reports of bonded labour be investigated by independent bodies composed, among others, of representatives of trade unions, employers' organizations working for the release of bonded labourers and relevant community groups, in addition to representatives of relevant government departments; such reports should be given due consideration by the Government at the local and central levels;

6. *Calls upon* States to establish and maintain at the appropriate level a registry of information on every case of bonded labour reported and every bonded labourer released, noting the compensation paid, and to compile and publish this information and to carry out reviews to determine whether freed bonded labourers have fallen back into debt bondage;

7. *Calls upon* national authorities to implement strictly the legislation related to bonded labour; the number of prosecutions brought, successful convictions obtained and sentences passed against those using bonded labourers should be recorded and made public on a regular basis;

8. *Considers* that destitute former bonded labourers in particular should have access to drinking water, health care facilities, adequate shelter, food and education;

9. *Urges* intergovernmental organizations to provide financial and technical assistance to the Governments concerned in order to help them put an end to bonded labour and debt bondage, and encourages the active participation of national non-governmental organizations dealing with the issue of bonded labour and debt bondage in the elaboration of national development plans;

10. *Invites* the International Labour Organization, together with other competent United Nations organs and specialized agencies, to consider the possibility of holding a seminar or a workshop to determine the best practices for the eradication of debt bondage, in particular to assess what forms of international support are most appropriate for community mobilization and to enable bonded labourers to make use of their right to freedom of association and what techniques have proved most effective in facilitating the rehabilitation and reintegration of victims of debt bondage;

11. *Recommends* that all competent United Nations organs, specialized agencies, development banks and intergovernmental agencies involved in development initiatives take action to contribute to the elimination of debt bondage, in particular by the provision of alternative sources of credit to bonded labourers;

12. *Recommends once again* that Governments cooperate with trade unions and employers' organizations at the national level to address the problem of bonded labour and that trade unions and employers' organizations at the local, national and international levels utilize the existing structures of the International Labour Organization dealing with violations of the relevant conventions concerning forced labour, and encourages concerned non-governmental organizations to strengthen their activities for disseminating information and advising trade unions in this regard;

13. *Invites* international financial institutions to encourage micro-credit as a mechanism for the eradication of debt bondage.

5. Prevention of transborder trafficking in children in all its forms

The Working Group on Contemporary Forms of Slavery,

Considering that transborder trafficking is a major conduit for the exploitation of children,

Convinced that transborder trafficking in children for any form of exploitation is incompatible with the dignity and worth of the human person,

Recognizing that poverty, illiteracy, harmful cultural practices and, above all, the low status of women and girls in society contribute to their being sexually exploited,

Recognizing also that there is an urgent need for the international community, particularly Governments, to take effective measures to suppress transborder trafficking in children and to extend full protection to them,

Concerned at information according to which several types of trafficking in children regularly take place, especially between the countries of Central and West Africa, and at the extensive nature of this problem in the region,

1. *Invites* States to ratify existing international human rights and labour standards, if they have not already done so, and to ratify in a timely manner Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour of the International Labour Organization;

2. *Calls upon* States to take action against trafficking within a human rights framework, so that the child victims of trafficking are fully protected and not treated as illegal immigrants;

3. *Considers* that States of the Central and West African regions should be encouraged and supported in their efforts to draft and enforce relevant domestic legislation and to promote birth registration, in order to establish where the trafficked children come from and to facilitate their return;

4. *Encourages* cooperation among the concerned States, as well as with international agencies and international and national non-governmental organizations, in research and data collection on child trafficking and in the design and implementation of programmes of action to eliminate the practice of child trafficking;

5. *Also encourages* strengthened cooperation between national and international law enforcement agencies, in particular the International Criminal Police Organization, responsible for detecting and intercepting child traffickers, as well as in tracing the families of the trafficked children.

6. The role of corruption in the perpetuation of slavery and slavery-like practices

The Working Group on Contemporary Forms of Slavery,

Aware of the negative impact of corruption on the full enjoyment of all human rights and fundamental freedoms,

Convinced that corruption at different levels contributes to the continuation of slavery and slavery-like practices,

Noting that information received clearly identifies corruption as playing a role in the continuation of slavery and slavery-like practices,

1. *Urges once again* all States to take adequate steps to monitor and enforce laws, particularly as they relate to slavery, slavery-like practices and corruption, including trafficking in and exploitation of the prostitution of women and children;

2. *Encourages* States to take measures aimed at improving the training and professionalism of law enforcement personnel, as well as their respect for human rights.

7. Misuse of the Internet for the purpose of sexual exploitation

The Working Group on Contemporary Forms of Slavery,

Recalling that article 19 of the International Covenant on Civil and Political Rights declares that the right to freedom of expression "carries with it special duties and responsibilities" and may therefore be subject to restrictions as provided by law and when necessary to protect the rights of others,

Alarmed that multiple forms of sexual exploitation, such as prostitution, sex tours, sex trafficking, bride trafficking, pornography, incest and other forms of child sexual abuse and exploitation, live sex shows and rape videos for sexual entertainment, are promoted on the Internet by individuals, groups and crime syndicates, that the Internet is now the preferred site for the promotion of mail order brides, sex tourism and pornography, and that the Internet offers multiple forums facilitating the trafficking, prostitution and sexual exploitation of women and children,

Aware that individuals, groups and crime syndicates use the Internet to traffic in, exploit and violate the rights of women and children, many of whom are in situations of vulnerability as a result of poverty, social dislocation, and racial and ethnic discrimination,

Aware also that the Internet has become one of the major channels for distributing pornographic images of women and children,

Noting with concern that the scope, volume and content of material on the Internet promoting or enacting the trafficking, prostitution and sexual exploitation of women and children are unprecedented,

Emphasizing that many of the practices of sexual exploitation on the Internet are characterized by domination, control and violence so extreme as to constitute serious violations of human rights and forms of sex discrimination,

Concerned that sexual exploitation, violence and trafficking on the Internet help normalize these practices and contribute to their being seen by individuals as everyday occurrences,

Convinced that prostitution and the traffic in persons are incompatible with the dignity and worth of the human person and that practices of the exploitation of the prostitution of others and trafficking in persons constitute serious violations of human rights,

Acknowledging that women and children subjected to sexual exploitation by means of the Internet are often from countries suffering from, inter alia, poverty and armed conflict and that those who use the Internet for the purposes of sexually exploiting women and children are often from developed countries,

Convinced that heightened awareness of the harm to women and children of sexual exploitation, together with the political will to combat this harm, will significantly reduce the extent of trafficking and sexual exploitation for the purpose of prostitution through the Internet,

Convinced also that the right to freedom of expression cannot excuse or justify such flagrant violations of human rights,

1. *Recommends* that Governments, as a matter of priority, review, amend and enforce existing laws, or enact new laws, to prevent the misuse of the Internet for trafficking for the purpose of prostitution and the sexual exploitation of women and children;

2. *Urges* Governments to act more forcefully to eliminate traffic in persons, exploitation of the prostitution of others and sexual exploitation through the Internet, and to consider setting up a mechanism aimed at better control of the Internet when abused for those purposes;

3. *Recommends* that Governments and non-governmental organizations develop and implement educational programmes on the harm caused by trafficking for the purpose of prostitution and sexual exploitation on the mental and physical well-being of women and children;

4. *Requests* Governments to investigate and use as evidence of crimes and acts of discrimination advertising, correspondence and other communications over the Internet to promote sex trafficking, the exploitation of prostitution, sex tourism, bride trafficking and rape;

5. *Calls* for new levels of cooperation among Governments and national and regional law enforcement bodies in order to combat the escalating trafficking for the purpose of prostitution of women and children, the globalization of this industry and the misuse of the Internet to promote and carry out acts of trafficking for the purpose of sexual exploitation, sex tourism, sexual violence and sexual exploitation.

8. Migrant workers and domestic migrant workers

The Working Group on Contemporary Forms of Slavery,

Recalling the adoption by the International Labour Organization of Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour,

Noting that migrant workers are frequently subject to discriminatory rules and regulations which undermine their human dignity, including being forced to live separately from their spouses and their minor children, sometimes for extended periods, and that they are often victims of violence, racism and xenophobia,

Noting also, in particular, cases of migrant domestic workers who are unpaid, subjected to various abuses and deprived of all their rights,

Welcoming the first report submitted by the Special Rapporteur on the human rights of migrants at the fifty-sixth session of the Commission on Human Rights (E/CN.4/2000/82),

1. *Strongly condemns* practices of unequal treatment of migrant workers and the denial of their human dignity;

2. *Urges* Governments to ensure that protective regulations govern the employment situation of migrants and provide for safe conditions of work;

3. *Takes note* of the difficult situation in which migrant workers, especially women and children, are living and of the need for them to be provided with protection with a view to ensuring their fullest human development and participation in the life of their community;

4. *Urges* States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the General Assembly in its resolution 45/158;

5. *Also urges* States to take the necessary measures to prohibit and punish those who confiscate passports belonging to migrant workers, in particular migrant domestic workers;

6. *Recommends* that non-governmental organizations pay particular attention to the grave problems affecting migrant workers and provide the Working Group with information in this regard;

7. *Recommends* that the Sub-Commission on the Promotion and Protection of Human Rights consider this issue at its fifty-fourth session.

9. Elimination of child labour

The Working Group on Contemporary Forms of Slavery,

Aware that existing laws against and international agreements concerning debt bondage are not being implemented effectively,

Concerned at the persistence of the exploitation of child labour and debt bondage, and aware of the necessity of combating these phenomena,

Recognizing the persistent human rights abuses inherent in the practice of exploiting people, in particular migrant women and children, as domestic servants,

Recognizing also that the practice of exploiting children as domestic servants violates the Universal Declaration of Human Rights, the Convention on the Rights of the Child, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, the International Labour Organization Convention (No. 29) concerning Forced or Compulsory Labour and Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour,

Concerned at increasing information and testimonies on abusive treatment of girls and women domestic workers,

Convinced that compulsory and free primary education of boys and girls is an essential tool to combat child labour, and in particular the use of children as domestic workers,

1. *Urges* all States, while attempting ultimately to eliminate child labour, to adopt measures and regulations to protect child labourers, to ensure that they are not exploited and to prohibit their labour in hazardous occupations, in accordance with the provisions of the ILO Convention No. 182, unless national legislation provides for more protective standards;

2. *Also urges* States, while attempting ultimately to eliminate child labour and child domestic labour by, inter alia, enacting and implementing laws on compulsory and free primary education, to adopt and enforce measures and regulations to eliminate all discrimination against girls in education, skills development and training and to protect child workers, in particular child domestic workers, and to ensure that they are not exploited;

3. *Recommends* that the International Labour Organization, while considering the issue of child labour, give more emphasis to the issue of child domestic workers by establishing additional country programmes for these children within its International Programme on the Elimination of Child Labour;

4. *Invites* the international community to cooperate in developing viable alternatives to child labour, in particular for young girls;

5. *Requests* the Secretary-General to invite all States to inform the Working Group of measures adopted to implement the Programme of Action for the Elimination of the Exploitation of Child Labour and report thereon to the Sub-Commission on the Promotion and Protection of Human Rights and the Commission on Human Rights at their next sessions.

10. Forced labour

The Working Group on Contemporary Forms of Slavery,

Having received information on the continuing use of forced labour in remote agricultural areas of some countries,

Taking note with satisfaction of the measures taken by some Governments aimed at putting an end to the use of forced labour, but aware of the need for continuous and strengthened efforts,

1. *Reaffirms once again* that forced labour is a contemporary form of slavery;

2. *Invites* States concerned to introduce consolidated legislation on forced labour;

3. *Recommends* that States concerned take urgent action to speed up criminal proceedings, secure successful prosecutions and apply effective sanctions against all those using forced labour;

4. *Also recommends* that States make detailed information publicly available regarding the prosecution and punishment of those using forced labour and carry out an appraisal of the impact of such practices.

11. Sale of children, child prostitution and child pornography

The Working Group on Contemporary Forms of Slavery,

Concerned at the persistence and growth of the sale of children, child prostitution and child pornography, and aware of the necessity of combating these practices,

Having considered the report submitted by the Special Rapporteur on the sale of children, child prostitution and child pornography to the Commission on Human Rights at its fifty-sixth session (E/CN.4/2001/78 and Add.1-2),

Recalling the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the comments made by participants concerning the possibility that the Optional Protocol might weaken the protection provided for children by the Convention on the Rights of the Child,

1. *Requests* the Secretary-General to invite all States to continue to inform the Working Group of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;

2. *Decides*, in the context of the commemoration of the tenth anniversary of the adoption of the Programme of Action, to request a non-governmental organization to prepare and submit to the Working Group at its twenty-seventh session in 2002 an assessment of the implementation of the Programme of Action;

3. *Requests* the Special Rapporteur, within the framework of her mandate, to continue to pay attention to issues relating to the traffic in children, such as organ transplantation, disappearances, the purchase and sale of children, adoption for commercial purposes or exploitation, child prostitution and child pornography;

4. *Strongly encourages* the Special Rapporteur to participate in the twenty-seventh session of the Working Group, in view of the importance of her contribution to its deliberations;

5. *Invites* States to consider the establishment of a voluntary fund aimed at assisting the Committee on the Rights of the Child in strengthening implementation of the Optional Protocol, in harmony with provisions of the Convention on the Rights of the Child;

6. *Decides* to examine, as a matter of priority at its twenty-seventh session in 2002, the issue of the exploitation of children, particularly in the context of prostitution and domestic servitude.

12. Traffic in human organs and tissues

The Working Group on Contemporary Forms of Slavery,

Concerned at information received at its present session alleging that children and adults are victims of, or even abducted and killed for, the removal of organs for the purpose of commercial transplants and non-therapeutic research,

Decides to continue to give consideration to this issue at its next session.

13. Miscellaneous

The Working Group on Contemporary Forms of Slavery,

Taking note of the information received,

Welcoming the participation of young students from the United Kingdom of Great Britain and Northern Ireland and their substantive contribution to the work of the Working Group,

1. *Decides* to continue the consideration on a biennial basis, as of 2001, of issues such as forced marriage, ways to combat sexual abuse of children inside the family, and the urgent need for adequate help to be offered to victims of such practices;

2. *Also decides* to consider as a matter of priority at its twenty-eighth session in 2003 the issue of contemporary forms of slavery related to and generated by discrimination, in particular gender discrimination, focusing attention on abuses against women and girls, such as forced marriage, early marriage and sale of wives;

3. *Appeals* to all Governments to send observers to the meetings of the Working Group;

4. *Encourages* youth organizations and young persons from various non-governmental organizations to participate in the meetings of the Working Group;

5. *Recommends* that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining the periodic reports of States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International

Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, and include in their general comments and recommendations an item concerning contemporary forms of slavery;

6. *Recommends* that the supervisory bodies of the International Labour Organization and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to the implementation of provisions and standards designed to ensure protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

7. *Once again requests* the Secretary-General to transmit to the committees mentioned above, the special rapporteurs concerned and the Working Group on Enforced or Involuntary Disappearances the recommendations of relevance to them and the report of the Working Group;

8. *Requests* the Secretary-General to give effect to his decision to reassign to the Working Group a Professional staff member of the Office of the High Commissioner for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside the Office on issues relating to contemporary forms of slavery, in accordance with Commission on Human Rights resolutions 1996/61 and 1999/46;

9. *Requests* non-governmental organizations to disseminate information about the work of the Working Group as widely as possible;

10. *Decides* that a copy of the report of the Working Group should be sent, as soon as possible, to each participant at the session who requests such a copy;

11. *Recognizes* the advantages of continuity of the membership of the Working Group, while acknowledging that the designation of any member to participate in any working group of the Sub-Commission is within the realm of the regional groups of the Sub-Commission;

12. *Decides* that it will adopt a provisional timetable at the time of adoption of its provisional agenda;

13. *Also decides* that it will invite those Governments which have information relating to the priority issue to be discussed at the forthcoming session of the Working Group to assist the Working Group by providing the information either in advance or at that session;

14. *Recommends* that the Sub-Commission, in arranging its agenda, make provision for adequate discussion of the report of the Working Group near the commencement of each session, thereby strengthening its involvement in the activities of the Working Group.

Annex

DRAFT PROVISIONAL AGENDA FOR THE TWENTY-SEVENTH SESSION OF THE WORKING GROUP ON CONTEMPORARY FORMS OF SLAVERY

1. Election of officers.

2. Adoption of the agenda.

3. Exploitation of children, particularly in the context of prostitution and domestic servitude.

4. Review of the implementation of and follow-up to the conventions on slavery:

   (a) Status of the conventions;

   (b) Review of information received regarding the implementation of the conventions and programmes of action.

5. Review of developments in the field of contemporary forms of slavery and measures to prevent and repress all contemporary forms of slavery, including the struggle against corruption and the consideration of international debt as promoting factors of contemporary forms of slavery:

   (a) Economic exploitation:

      (i) Domestic and migrant workers;

      (ii) Bonded labour and debt bondage;

      (iii) Forced labour;

   (b) Sexual exploitation:

      (i) Suppression of the traffic in persons and the exploitation of the prostitution of others;

      (ii) Activities of the Special Rapporteur on the sale of children, child prostitution and child pornography.

6. Activities of the Special Rapporteur on violence against women.

7. Other forms of exploitation:

   (a) Illegal activities of certain religious and other sects;

   (b) Illegal and pseudo-legal adoptions aimed at exploitation of children;

(c) Traffic in human organs and tissues;

(d) Paedophilia;

(e) Miscellaneous, including slavery-like practices in armed conflicts.

7. Activities of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery.

8. Adoption of the report of the Working Group to the Sub-Commission on the Promotion and Protection of Human Rights on its twenty-seventh session.

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